

2-4-2010

**Submission of Deposition Testimony by Fred L. Jarrett**  
**07-2-02323-2-142**

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BEST IMAGE POSSIBLE

W. JARRETT  
KING COUNTY WASHINGTON

FEB 04 2010

BY MANDYL SEVE

THE HONORABLE JOHN P. ERLICK

STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT

MATHEW & STEPHANIE McCLEARY,  
on their own and on behalf of KELSEY &  
CARTER McCLEARY, their two children  
in Washington's public schools;  
ROBERT & PATTY VENEMA, on their  
own behalf and on behalf of HALIE &  
ROBBIE VENEMA, their two children in  
Washington's public schools; and  
NETWORK FOR EXCELLENCE IN  
WASHINGTON SCHOOLS ("NEWS"), a  
state-wide coalition of community groups,  
public school districts, and education  
organizations,

Petitioners,

v.

STATE OF WASHINGTON,

Respondent.

NO. 07-2-02323-2 SEA

SUBMISSION OF DEPOSITION  
TESTIMONY BY FRED L.  
JARRETT

The parties offer into Evidence the following deposition testimony designations and exhibits, corresponding objections and attached pages from the May 22, 2009, deposition transcript for trial witness Fred L. Jarrett:

1 **I. Petitioners' Deposition Designations (transcript highlighted in yellow):**

2 Cover page (page 1)  
 3 Appearances page (page 2)

4 **In addition to the portions of the deposition transcript designated by Respondent, Petitioners designate the following:**

Page:Line Range	Trial Exhibit Offered	Respondent's Objections
5:7-11		
7:2-9:3		
9:6-15:25		
17:12-19:19		
20:12-15		
23:8-25:2		
26:14-27:14		
28:24-36:4		33:12-20 Lack of foundation.  <b>Petitioners respond that the foundation is Senator Jarrett's years of service as a legislator and school board member; the Respondent's objection goes to weight, not admissibility.</b>
37:12-17		
38:6-39:9		
41:9-42:17		
43:20-44:3		
44:10-23		
50:14-17		
50:22-51:15		

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Page:Line Range	Trial Exhibit Offered	Respondent's Objections
54:23-59:20		
63:9-67:18		
67:23-25	Petitioners offer Trial Exhibit 193 (Dep. Ex. 376)	
68:4-69:3		
69:10-70:25		
76:1-77:1	Petitioners offer Trial Exhibit 186 (Dep. Ex. 368)	
	Petitioners offer Trial Exhibit 187 (Dep. Ex. 369)	
77:13-16	Petitioners offer Trial Exhibit 194 (Dep. Ex. 377)	
78:11-81:5		
82:11-83:21		
84:9-14	Petitioners offer Trial Exhibit 195 (Dep. Ex. 378)	Hearsay; relevance  <b>Petitioners respond that Trial Exhibit 195 (Dep. Ex. 378) qualifies for multiple hearsay exceptions -- as a document that is posted and maintained on Senator Jarrett's official web page, it is a business record and a public record, and as the public statement of a public official, is trustworthy; it is not offered for the truth of the citizen's statements, but only for Senator Jarrett's responses, which he reaffirms in his testimony; the legislation and issues discussed (teacher pay) are relevant.</b>

Page:Line Range	Trial Exhibit Offered	Respondent's Objections
84:21-85:24		
87:24-92:20	Petitioners offer Trial Exhibit 185 (Dep. Ex. 367)	
95:18-97:20		
99:24-100:10	Petitioners offer Trial Exhibit 196 (Dep. Ex. 379)	<p>Relevance</p> <p><b>Petitioners respond that Trial Exhibit 196 (Dep. Ex. 379) contains conclusions that Senator Jarrett reached through his work on the Basic Education Finance Task Force on topics that are highly relevant to this case, including whether current state education funding is fully sufficient, whether teacher pay is competitive, and whether NERCs are sufficiently funded.</b></p>
101:3-102:24		
103:23-104:20		
106:14-18		
108:18-22		
111:11-22		
112:17-19		
112:21-113:1		

Page:Line Range	Trial Exhibit Offered	Respondent's Objections
114:8-115:2	Petitioners offer Trial Exhibit 198 (Dep. Ex. 381)	Hearsay; relevance; lack of foundation; ER 602; ER 701.  <b>Petitioners respond that: (1) foundation: Senator Jarrett identified Trial Exhibit 198 and stated that it is posted on his official Senate website (111:11-16); (2) hearsay: Trial Exhibit 198 is posted and maintained on Senator Jarrett's Senate website, and it qualifies for admission under the business record and public record hearsay exceptions; (3) 602/701: Senator Jarrett has the requisite knowledge and experience to testify about his understanding of the legislature's decision not to fund certain components of education; (4) relevance: the history of State underfunding and the reasons for it are relevant to this case.</b>
119:16-122:2		
123:8-12		
132:21-133:7		

**II. Respondent's Designations (transcript highlighted in blue):**

Page: Line Range	Trial Exhibit Offered	Petitioners' Objections
27:15-28:23		
36:5-13		
36:18-37:11		
37:18-38:2		
39:10-21		


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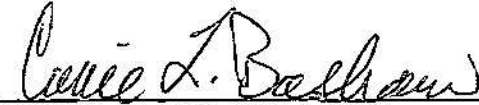
Page: Line Range	Trial Exhibit Offered	Petitioners' Objections
45:5-46:11		
47:20-48:13		
48:23-50:13		
69:4-9		
77:2-11		
84:2-8		
86:10-87:7		
102:25-103:22		
105:5-106:13		
106:19-108:17		
109:13-111:7		
112:13-16		
112:20		
113:2-114:7		
117:10-119:3		
123:13-127:6		
133:8-24		

1 DATED this 20<sup>th</sup> day of October, 2009.

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SUPERIOR COURT OF WASHINGTON FOR COUNTY OF KING

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MATHEW & STEPHANIE McCLEARY, )  
 on their own behalf and on )  
 behalf of KELSEY & CARTER )  
 McCLEARY, their two )  
 children in Washington's ) No. 07-2-02323-2 SEA  
 public schools; et al., )  
 Petitioners, )  
 vs. )  
 STATE OF WASHINGTON, )  
 Respondent. )

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DEPOSITION UPON ORAL EXAMINATION  
 OF  
 FRED L. JARRETT

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1:42 p.m.  
 May 22, 2009  
 800 5th Ave  
 Seattle, Washington

Margaret Walkky, CCR, RPR, RMR, CRR  
 Court Reporter, License No. 2540

A P P E A R A N C E S

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25

1 A. Oh, yeah.

2 Q. Is this the notice for today's deposition?

3 A. As near as I can tell, yes.

4 Q. Have you ever had your deposition taken  
5 before?

6 A. No.

7 Q. Has your attorney explained to you the  
8 basics of the deposition procedure?

9 A. Yes.

10 Q. And your attorney is Mr. Clark?

11 A. Yes.

12 Q. And you understand the court reporter is  
13 going to type down word for word all the questions that  
14 are asked today and all the answers you give today?

15 A. Yes.

16 Q. You understand you've been sworn to fully  
17 tell the complete truth just as if you were sitting in  
18 the courtroom testifying before the judge or jury?

19 A. Yes.

20 Q. Do you have any sort of physical,  
21 emotional, medical, or other condition that would  
22 hinder or distract your hearing and paying attention to  
23 all the questions asked today or your concentrating on  
24 your answers today?

25 A. None that I'm aware of.

1 A. No.

2 Q. I'd like to very briefly go through your  
3 background starting with, you graduated from high  
4 school at Mercer Island High School; is that right?

5 A. Yes.

6 Q. When was that?

7 A. 1967.

8 Q. And I just want to quickly trace through  
9 your education. What next?

10 A. I went to Washington State from 1967 to  
11 1971, received a bachelor of arts in business with a  
12 concentration in finance. I then went into the Air  
13 Force and while I was in the Air Force, I took a couple  
14 of semesters, if I remember correctly, at the  
15 University of Nebraska, Omaha and then finished my MBA  
16 at Seattle University.

17 Q. When did you finish your MBA at Seattle U,  
18 ballpark?

19 A. I think was 1976.

20 Q. And the courses you took at the University  
21 of Nebraska,, what kind were they?

22 A. Business courses.

23 Q. And very briefly, what did you do in the  
24 Air Force?

25 A. I had two jobs. My first role was as a

1 documentation, running a documentation branch, which  
2 managed all of the classified documents around the  
3 targeting of the missile fleet, and second job I had  
4 was as an administrative officer responsible for wing  
5 administration.

6 Q. Can you briefly state what that is?

7 A. Wing is an element of the Air Force. It's  
8 above division, above flight, below Air Force..

9 Q. And --

10 A. Similar to a division in the Army.

11 Q. What did this wing do?

12 A. It was an intelligence wing and we  
13 specialized in the ELINT for the Air Force and for the  
14 NSA, and we also did the targeting of the missile  
15 fleet, which is the part that I was engaged in.

16 Q. What did you do after you left the Air  
17 Force in 1974?

18 A. I returned and went to work for the Boeing  
19 Company.

20 Q. Approximately how long did you work for  
21 Boeing?

22 A. 35 years and 10 days.

23 Q. So when did you stop working at Boeing?

24 A. Next Tuesday.

25 Q. This coming Tuesday you retire from

1 Boeing?

2 A. Yes, and last Friday was my 35th  
3 anniversary, that's how I know.

4 Q. I assumed there was a reason for the 10  
5 day knowledge.

6 Could you briefly go through what your  
7 jobs have been at Boeing?

8 A. Oh, wow.

9 Q. Very briefly.

10 A. I started out as a cost accountant. I was  
11 responsible for all of the sales and use tax and  
12 inventory taxes for the, what was the 707, 727, 737  
13 division of commercial airplanes. I then did some  
14 budgeting for about a year, put together a new method  
15 for doing estimating costs for budget purposes. I then  
16 set up the cost accounting systems on the 767 program.  
17 And in 1980, I took over management of the commercial  
18 airplane company's financial systems and I did that for  
19 some years.

20 And in the middle '80s, I took the data  
21 management I created over to manufacturing and we -- it  
22 was essentially the first data management group in  
23 business systems, and we -- there I became the chief  
24 architect for a development program for manufacturing  
25 systems. Subsequently I became the chief architect for

(1) manufacturing systems.

(2) Q. If I can interrupt for a second, what do  
(3) you mean by chief architect?

(4) A. In computing systems development, you are  
(5) essentially creating abstractions that have boundaries,  
(6) and the architect is responsible for essentially  
(7) drawing what those boundaries are and developing the  
(8) interface specification at the boundary.

(9) Q. Okay. All right. I interrupted you.

(10) A. Oh, okay. So I then was a loaned  
(11) executive to Metro during the period that I was the  
(12) chair of the Joint Regional Planning Committee for High  
(13) Capacity Transit, which was the precursor for Sound  
(14) Transit.

(15) Q. Could you explain just briefly what that  
(16) was about?

(17) A. The legislature in the early '90s I think  
(18) it was, the '91 session, said that we were going to  
(19) have the authority to create a regional transit  
(20) authority in central Puget Sound to build high capacity  
(21) transit, essentially light rail. The bill, the law  
(22) required that there be a study and a plan developed for  
(23) how that system would operate, and the JRPC, shorthand  
(24) for it, was tasked with that.

(25) I started out at the beginning of that

1 process, I was the chair of the Metro Transit committee  
2 and I then took over as chair, second chair after Paul  
3 Kraabel retired, I took over as the second chair for  
4 the JRPC from King County and served in that capacity  
5 until the three county councils adopted the plan that  
6 we created. At that point, Sound Transit came into  
7 existence.

8 Q. And at that point, did you then go back to  
9 Boeing?

10 A. I went back to Boeing and I took over the  
11 management of financial systems again. I did that --

12 Q. I take it the management of financial  
13 systems, that was for the commercial airplanes?

14 A. Commercial airplanes.

15 I did that till '97 or '98, it was  
16 whenever we shut the factories down, and I then went  
17 into a consulting group, which is where I've been since  
18 then, and we specialize in consulting with various  
19 organizations within the company to assist them in  
20 understanding what we call their value stream, but  
21 essentially all of the work that has to be done over  
22 multiple organizations to deliver some product.

23 Q. And is that product ever anything other  
24 than an airplane?

25 A. Oh, product could be anything. I mean, it



1) could be a component of a airplane. It could be a  
2) spare. It could be something that's an abstract, you  
3) know, intellectual property.

4) Q. Could you just give me an example of the  
5) kinds of intellectual property you're talking about?

6) A. Well, I guess one example is a method that  
7) we developed for how you do systems specification.

8) Q. Okay. That's where you're retiring from  
9) then on Tuesday?

10) A. Yes.

11) Q. Okay. Could you do a similar rundown on  
12) your experience or your jobs in the legislature,  
13) please.

14) A. Okay.

15) Q. Actually, if I can interrupt, how about in  
16) public service. I know you were a mayor, I know you  
17) were a city councilman.

18) A. 35 years at Boeing, but 30 years in public  
19) service. Elected in the city council in 1979 on Mercer  
20) Island and I served there from 1979 till 1996. I  
21) served two terms as mayor. I represented Mercer Island  
22) at the Metro council, at the Puget Sound Council of  
23) Governments. And I represented the suburbs as a city  
24) council member on the, the JRPC and also on the King  
25) County Growth Management Planning Council, which the

1 plans required under the Growth Management Act in place  
2 for King County.

3 I also served on the, I think it was  
4 called the Summit, which was the group that negotiated  
5 the merger of King County and Metro. After I  
6 retired --

7 Q. Retired from what?

8 A. From the city council, I finished my city  
9 council service, I thought I was finishing my elected  
10 official service, but our superintendent called and  
11 asked me to serve on a Strategic Planning Committee for  
12 our school district, which is how I got mired in  
13 education finance. Then I ran for the school board in  
14 1999.

15 Q. If I can interrupt for a second there,  
16 with the Strategic Planning Committee, is that the  
17 committee that you were tasked with trying to figure  
18 out how you were going to achieve the standards set out  
19 in House Bill 1209?

20 A. Yes.

21 Q. Could you briefly describe the exercise  
22 that you all went through to try to figure out what it  
23 would actually cost or what you would need to do that?

24 A. We didn't.

25 Q. What did you do?

1 A. Well, what we did was we essentially sat  
2 down and said what 1209 did that was unique was that it  
3 was the first time that the state had really said what  
4 the outcomes were that were expected of a K-12  
5 education.

6 Q. Is that the read with comprehension, write  
7 effectively, know basic --

8 A. And the EALRs.

9 Q. And the EALRs?

10 A. Right.

11 Q. Okay.

12 A. And so what we basically did was we looked  
13 at that and went, starting with the end in mind, went  
14 backwards and determined what the curriculum needed to  
15 be at each year of school in order to meet that  
16 target. We didn't talk about resources as much as we  
17 talked about what content was.

18 Q. Okay.

19 A. And how we structured the process to be  
20 able to achieve the goals of the content.

21 Q. Okay. Could you give me some examples of  
22 the process that you were putting together?

23 A. It was a pretty classic group process  
24 where you have a 20 or so people sitting around the  
25 table and someone mediating at the front with flip

(1) charts, and brainstorming and writing down and  
(2) analyzing and coming to conclusions and then ultimately  
(3) making those conclusions known to the school board.

(4) Q. Okay. Was it sort of report that was  
(5) generated or a submission to the school board, or was  
(6) this a verbal here's --

(7) A. There probably was but I don't remember  
(8) it.

(9) Q. Were the recommendations in the school  
(10) board, you know, this is a curriculum we should have or  
(11) this is the program we should have?

(12) A. No, it was more about why we didn't think  
(13) the EALRs were sufficient for Mercer Island, why we  
(14) thought Mercer Island kids needed to have more than  
(15) just what the basic education was.

(16) Q. And what was the thinking behind that  
(17) conclusion?

(18) A. We're Mercer Island. You know, we've got  
(19) gifted kids. They're going to go off and rule the  
(20) world, so we wanted to have the first class school  
(21) system. We had -- one of the benchmarking studies that  
(22) I did was to look at how we compared with other school  
(23) districts around the country, and the idea was that we  
(24) wanted to be competitive with those school districts,  
(25) first rate, world class school districts, not basic.

1 Q. And was part of this exercise trying to  
2 figure out, to be blunt, how much money Mercer Island  
3 would need?

4 A. No. I did personally some studies of  
5 that. I did some benchmarking and -- but that wasn't  
6 part of that process. I mean, it wasn't directly a  
7 part of that process.

8 Q. Indirectly it was to the extent you did  
9 your personal benchmarking?

10 A. I did it actually after I got on the  
11 school board.

12 Q. So we were talking about the committee  
13 that sort of dragooned you into getting involved in the  
14 schools?

15 A. Yes.

16 Q. What happened next?

17 A. I didn't run. That was my mistake.

18 What happened next was that this committee  
19 went on, we met like quarterly for a while and it  
20 wasn't a real intense process in the sense that it  
21 would be if you hired a consultant to do it. It was a  
22 citizens process and it was trying to make sure that  
23 the work that was being done by the staff was in fact  
24 linked to the citizens. And so in 1999, I decided that  
25 I would run for the school board and I did, and I was

1) elected to the school board and I served until I went  
2) to the legislature in 2001.

3) Q. When you went to the legislature in 2001,  
4) you went as a representative, correct?

5) A. Yes.

6) Q. When you were first elected, were you  
7) elected as a Republican or Democrat?

8) A. Yes, Republican.

9) Q. And then this last election, you were  
10) elected as a senator, correct?

11) A. A Democrat.

12) Q. A senator in 2008; is that correct?

13) A. A senator in 2008, correct.

14) Q. When did you switch parties?

15) A. I switched parties when I was being  
16) recruited by both Senate and Democrat Senate caucuses  
17) and that forced me to sit back and think about where I  
18) really wanted to be, and I essentially concluded that  
19) my values fit better with the Democrats. The party  
20) that I joined in the 1960s and '70s wasn't the same  
21) party that it was in the 2000s.

22) Q. That occurred in '08?

23) A. December of -- November or December of  
24) '07.

25) Q. Before you ran for the Senate, then?

1           A.) Yes, it was all a part of that decision.  
2 I had decided to run for the Senate and then I was  
3 being recruited by both caucuses and so I was in a  
4 position I had to make a choice.

5           Q.) You had to make a choice?

6           A.) And so rather than blow it off, I actually  
7 thought about it and that was my choice.

8           Q.) When you were in the legislature from 2001  
9 on, so you were in the - I'm trying to count sessions  
10 you were in.

11          A.) '01, '02, '03, '04, '05, '06, '07 in the  
12 House.

13          Q.) In the House, and then '08 and --

14          A.) And then '09 in the Senate.

15          Q.) So nine years, nine sessions?

16          A.) Nine sessions.

17          Q.) And --

18          A.) Plus all the special sessions we had in  
19 the early years.

20          Q.) Could you briefly run through the kinds of  
21 committees you served on?

22          A.) I served pretty much on the same  
23 committees. When I started, I served on  
24 transportation. I've always been on transportation. I  
25 started on higher education. I've always been on

1 higher education. I started out on local government  
2 because of my background in growth management in local  
3 government. And in 2005 I was asked to move to be the  
4 ranking member on the Capital Budget Committee. So I  
5 gave up my position on the Local Government Committee  
6 and I served one session, one term, two sessions, as  
7 the ranking member on capital budget. And in the next  
8 session, I left capital budget and became ranking  
9 member on the Transportation Committee. In the Senate,  
10 I've served on the Transportation Committee and higher  
11 education, and early learning and K-12.

12 Q. Would it be fair to say that throughout  
13 your years in the legislature, you've always been on  
14 one of the Education Committees?

15 A. Always.

16 Q. And could you briefly describe the  
17 difference between the Higher Education Committee you  
18 were talking about and the early learning/K-12  
19 education?

20 A. Well, there shouldn't be any, but as the  
21 legislature, we create artificial boundaries. We think  
22 the K-12 system is one thing and the higher education  
23 system, the community colleges and four-year  
24 universities, are another.

25 Q. And why do you say there shouldn't be a



1 through has informal connections with the legislature,  
2 so they usually don't come out too far from, we don't  
3 come out in greatly different places.

4 Q. When you said the HEC Board, you meant the  
5 Higher Education Coordinating Board?

6 A. Yes, the Higher Education Coordinating  
7 Board.

8 Q. I notice you've always been on one of the  
9 Education Committees every year in the legislature. Is  
10 there a particular reason for that?

11 A. My district is -- my district has the  
12 highest education out of any district in the state. I  
13 have some argument with my friend from TriCities  
14 because they have more doctorates than we do, but if  
15 you look at the number of master's degrees and  
16 professional degrees, doctorates and those sorts of  
17 things, the 41st, at least the last time I looked at  
18 the demographics, was at the top. We have a passionate  
19 interest in education because most of us got where we  
20 are today because of the education that we received.  
21 We want to make sure our kids and grandkids have the  
22 same opportunity.

23 Q. One of the other committees you mentioned  
24 was the Transportation Committee?

25 A. Uh-huh.

1 Q. Could you briefly describe what your work  
2 is or was on the Transportation Committee?

3 A. Raising taxes.

4 Q. For what?

5 A. Well, we have a highway system in this  
6 state, the replacement value is \$300 billion, and we  
7 have invested very little in it over the last 30 years  
8 in terms of maintenance, probably a tenth of what was  
9 required to maintain the system. And by the late '90s,  
10 we were in pretty desperate place around  
11 transportation. And so in 2000 when I ran, one of the  
12 things I ran on is, one of the few people who did, was  
13 raising taxes, to raise the gas tax. And in 2003 and  
14 2005, we raised the gas tax and as a member of the  
15 minority, I was a significant part in that process.  
16 That included both the selection of projects and the  
17 convincing people that they should vote, we should get  
18 a majority vote.

19 Since then, it's mostly been around the  
20 process of implementing the projects that we had  
21 intended from the gas tax increases, and that would  
22 include things like, for example, this year the bill  
23 that we passed to put a toll on the 520 bridge to  
24 finance the beginning of the construction of the  
25 pontoons, or the decision that we made to direct DOT to

- 1) use a deep bore tunnel technology to replace Alaskan
- 2) Way.

3           Q.    When you mentioned deferring maintenance  
4 expenses, is that good, bad, indifferent, does it  
5 matter?

6           A.    It's a value judgment.

7           Q.    What was the effect with respect to  
8 transportation on the state deferring maintenance for  
9 all those years?

10          A.    In Spokane, they have ruts that are about  
11 three inches deep in I-90.  If you go down I-5, you'll  
12 find places that are similar to that.  If you are  
13 driving on the freeway, you'll find that all of the  
14 expansion joints compared to where they were when they  
15 were built a number of years ago, 30 years ago, are now  
16 sticking up above the concrete that's worn away.  The  
17 system just hasn't been maintained.

18                   I guess the other, just to make it  
19 complete, not only has it not been maintained, but the  
20 capacity that is demanded by the population that we  
21 have here today, the way that we have developed is  
22 inadequate, and so we have some pretty difficult  
23 mobility issues.

24          Q.    Another way of saying that is we have  
25 congestion issues?

1 A. Yes.

2 Q. Now, you were also a member of the Basic  
3 Ed Task Force, correct?

4 A. Yes.

5 Q. In your years in the legislature, did you  
6 do, did you work on any other education-related task  
7 forces or study groups or things like that?

8 A. I was never selected to do that.

9 Q. Do you know why you were one of the lucky  
10 ones chosen for the Basic Education Finance Task Force?

11 A. Yeah.

12 Q. Why?

13 A. I needed our leadership until I got on.

14 Q. Handing you Exhibit-177, is Exhibit-177  
15 the final report of the Joint Task Force on Basic  
16 Education Finance?

17 A. It would appear to be.

18 Q. And you were a member on that task force,  
19 correct?

20 A. Yes.

21 Q. And did you vote in favor of adopting that  
22 final report?

23 A. Yes.

24 Q. And I'm not going to go through it page by  
25 page and plank by plank, but in your mind, what are the

(1) major or most significant conclusions in that final  
(2) report and the most significant parts of the  
(3) recommendations made by the task force?

(4) A. Well, I guess the most significant  
(5) conclusion is that the system that we have today is not  
(6) adequate for the 21st century and that reforms were  
(7) necessary in order to make it adequate. The  
(8) recommendations --

(9) Q. Wait, if I can interrupt for a second,  
(10) when you say the system we have today is not adequate  
(11) for the 21st century, do you mean the system we have is  
(12) not providing our school children the education they  
(13) need for the 21st century?

(14) A. Yes.

(15) Q. Then you were about to go on to talk about  
(16) significant parts?

(17) A. Oh, and the reforms that we've proposed  
(18) were essentially the most -- the salient ones were the  
(19) prototype school model, the reform of the compensation  
(20) system and licensure system. I'd say those are the two  
(21) big ones.

(22) Q. And when you say the public school model  
(23) and the --

(24) A. The prototype school.

(25) Q. So the prototype school model and then the

1 reforming the compensation and licensure system?

2 A. Yes.

3 Q. Could you explain to me what you have in  
4 mind when you're talking about the prototype school  
5 model?

6 A. The prototype school model is essentially  
7 a way of describing what you think a prototype school  
8 that you would for whatever reason want to design, what  
9 that would look like, what the services would be  
10 included. So if you go through the report, you will  
11 find a list of data elements that we proposed that  
12 include things like how many periods, what the class  
13 size is, what the teaching day looks like, what the  
14 ancillary services like librarian, nurse, counselors,  
15 what the administrative support is, what the classified  
16 support is, the bus drivers, the maintenance people,  
17 the secretaries, the accountants, and what the specific  
18 materials and supplies that we thought were the major  
19 cost drivers like technology, maintenance, books, et  
20 cetera, energy, utilities.

21 And what you do is once you have decided  
22 what that data structure is, then you plug in values  
23 that will meet whatever your objectives are.

24 Q. And were the objectives in the final  
25 report of the task force to provide all kids an

1 adequate education in our state?

2 A. I believe so.

3 Q. And when you were talk about the various  
4 factors, if I can ask you to turn to page 8, 9 and 10  
5 of the final report, there's a series of charts with,  
6 start with the label Summary of Recommended Staffing  
7 Levels. Do you see those?

8 A. Yes.

9 Q. Are these, the staffing levels, an example  
10 of what the task force concluded were needed for  
11 schools to provide an education to our kids?

12 A. We started with a notion that a basic  
13 education was defined as a high school diploma, a  
14 meaningful high school diploma, and that a meaningful  
15 high school diploma required 24 credits out of high  
16 school. And while we didn't say it explicitly, in my  
17 mind we were talking about core 24, and that what was  
18 required to be able to deliver that, to provide the  
19 opportunity for a child to get that meaningful high  
20 school diploma for work or for education, ready for  
21 college or work is usually the way we say it, we  
22 thought that this was the adequate, was adequate.

23 Q. When you say provide an opportunity, do  
24 you mean provide a realistic or effective opportunity?

25 A. Yes. That was the reason that we put in

1 the extra, the extra increments for children that we  
2 perceived to be, to have -- be at risk for being able  
3 to get through the system.)

4 Q. And would those extra increments include  
5 things like the ELL program?)

6 A. Yes.

7 Q. The LAP program?)

8 A. Yes.)

9 Q. Would it also include early learning or is  
10 that something different?)

11 A. So we thought that early learning was  
12 something that the research has showed had the best  
13 return on investment of any of the things that we  
14 looked at in terms of changing the system.

15 Q. When you say "return on investment," what  
16 do you mean?)

17 A. The money that you would put into  
18 providing early learning support for children,  
19 especially at-risk children, would make it possible for  
20 them to be at grade level when they arrived in the K-12  
21 system and that the data said that they remained at  
22 grade level as they moved through the system if you  
23 continued to provide support.

24 (So the differential between those two  
25 things, between having that and seeing the child get a



1) meaningful high school diploma, and not having that and  
2) the costs that society would bear as a consequence,  
3) that was the highest return.)

4) Q. And you keep talking about the meaningful  
5) high school diploma. What do you mean by that?

6) A. It's a term of art that we kind of  
7) invented, the global "we." And what it means is we  
8) actually started talking about that in the Higher  
9) Education Committee back in the early part of the  
10) decade, because we found that --

11) Q. Just so I'm clear, we're talking about the  
12) early 2000s?

13) A. Yes, yes.)

14) Q. Okay.)

15) A. Because we found that in fact, the  
16) graduation requirements that were established by the  
17) state were inadequate to prepare kids for college.)

18) Q. What are the graduation requirements  
19) established by the state that you're referring to?)

20) A. It's the 19 hours and the various  
21) requirements in the 19 hours of classes that are  
22) required. I think it's two years of math, four years  
23) of English, et cetera.)

24) And so what we said was that we needed to  
25) start to think about what was an appropriate, an

1 adequate, a meaningful, is what we came up with,  
2 meaningful high school diploma in the sense that it  
3 gave you the opportunity to become a carpenter or to go  
4 to the University of Washington or to go to Bellevue  
5 College or any other post-secondary education or  
6 career.

7           And over the years, we've worked on that  
8 in a number of venues and the most detailed work has  
9 been the work that the State Board of Education has  
10 done around something called core 24, and what it  
11 posits is that a meaningful high school diploma is  
12 defined as 24 classes for a high school student and  
13 then specifically talks about four years of math, four  
14 years of English, and how -- and talks about how that  
15 would relate to career and technical education as well  
16 as college preparation.

17           And that became what our working  
18 definition of a meaningful high school diploma was. It  
19 was the way that we tried to write the law, because  
20 that definition by saying meaningful high school  
21 diploma is the definition of basic education, and then  
22 defining it in terms of the credits that are required  
23 and referring to what the graduation standards are that  
24 are from the state board, defined by the State Board of  
25 Education.

1 At that point you drive a lot of the  
 2 resource allocation in the system, and we thought --  
 3 this whole thing is about accountability and we thought  
 4 that that was a way to start to establish  
 5 accountability. So what you refer to on these pages.)

6 Q. Being 8, 9, and 10?

7 A. 8, 9 and 10, whichever one they are, is  
 8 essentially the math that we did to be able to meet the  
 9 core 24 standards and the support that's necessary in  
 10 the middle schools and primary schools to be able to be  
 11 ready for the core 24 high school.

12 Q. Okay. And based on your work, many years  
 13 in the legislature on the Education Committees and your  
 14 work on the Basic Ed Task Force, do you believe the  
 15 state currently is fully funding a realistic  
 16 opportunity for all kids to get a meaningful high  
 17 school diploma?)

18 MR. CLARK: Object to the form of the  
 19 question on foundation grounds. You can answer subject  
 20 to my objection.

21 A. The clarification I would ask, are you  
 22 asking for a personal opinion?)

23 Q. Yes, sir.)

24 A. In my opinion as a voter and as a  
 25 legislator, no, it doesn't. That's why I worked so

Resp. objects -  
 lack of foundation

Petitioners respond that the foundation is Senator Jarrett's years  
 of service as a legislator and school board member; the  
 Respondent's objection goes to weight, not admissibility.

*Overruled -  
 based on  
 legislator's  
 experience*

1) hard as a member of this group to come up with an  
2) alternative.

3) Q. And the alternative is the proposals that  
4) are in the final report of the joint task force?

5) A. Yes.

6) Q. Is it your personal belief based on your  
7) work with the Education Committees and the work on the  
8) Basic Ed Task Force that the proposals set forth in the  
9) final report of the joint task force once implemented  
10) would provide a realistic opportunity for all kids to  
11) receive a meaningful high school diploma?

12) A. Yes.

13) Q. If I can ask you to turn back to page 10  
14) of the final report, the last box relating to NERCs, do  
15) you see that?

16) A. Yes, my favorite. I love NERCs. It  
17) reminds me of the Three Stooges.)

18) Q. I'm not going to follow that one.

19) I see that the recommendation here in the  
20) joint task force is for \$1,086 per student for the  
21) NERCs, correct?

22) A. That's the proposal, correct.

23) Q. And is that a significant increase, a  
24) slight increase over the current funding?

25) A. Significant increase.)

1 Q. What was the basis for the task force  
2 coming up with these types of numbers then?

3 A. There were I would say three sources that  
4 we used to develop those numbers. One of them was the  
5 Conley study, one of them was the Picus and Odden  
6 study, and the third one is our own experience in the  
7 private sector on what we found costs to be, for  
8 example, what it takes to stay current in technology as  
9 an example for that.

10 Q. Was another part of the task force's  
11 conclusions the testimony that you all heard in your  
12 hearings?

13 A. Yes.

14 Q. And the work of the Washington Institute  
15 for Public Policy?

16 A. Yes.

17 Q. And what role did the Public Policy  
18 Institute play with respect to the task force?

19 A. They were our research arm as we posed  
20 questions -- well, two things. First of all, we asked  
21 them to go out and do a literature search to find out  
22 what studies were out there about what worked and what  
23 didn't work, and specifically we wanted studies that  
24 were repeated so that they were reliable and we could  
25 actually believe that they were valid.

1 Q. And was the result of that kind of search  
2 and reviewing those kinds of studies part of the basis  
3 for the joint task force's proposal?

4 A. Yes.

5 Then the second thing is we came up with  
6 questions. They would go back and see if they could  
7 research the literature and find an answer or a sense  
8 of the knowledge around that particular question.

9 One example of that was that Steve Aos  
10 built a model that allowed us based on the results of  
11 research to be able to have a prediction of what the  
12 benefit, cost and benefit would be of various  
13 proposals.

14 Q. If I can ask you to turn to page B1 of the  
15 task force report, is this the study that you were  
16 referring to?

17 A. Yes.

18 Q. All right. Was there anything else that  
19 the Public Policy Institute did for the task force with  
20 respect to being its research arm?

21 A. Well, they were responsible for the  
22 staffing of the -- the general staffing and they did  
23 the writing and put the general packet together, the  
24 basic administration of the task force as well.

25 Q. From your experience on the task force, do

1 you believe that these proposals in the final report  
2 are based on the current research and studies in  
3 education?

4 A. I think that most of us -- I certainly  
5 tried and I think the rest of the people on the  
6 committee tried to make our judgments about what to put  
7 in and what not to put in based on research and based  
8 on what we had learned in the studies over the 18  
9 months that we had been doing them. To say that they  
10 are in a scientific or a technical way based, that  
11 isn't the way the political process works.)

12 Q. When you say "the political process," what  
13 do you mean? How is the political process --

14 A. You have to get the votes to be able to  
15 move something forward. Sometimes you have to give  
16 things that you think are not maybe the best thing in  
17 order to get what was good enough.

18 Q. Can you sitting here today think of some  
19 examples in the final report of the task force that  
20 were giving up what was the best thing?

21 A. From my perspective there were two that  
22 immediately come to mind and they basically had to do  
23 with categorical programs. The concept that I  
24 supported was that the prototype model was a resource  
25 allocation mechanism. It wasn't a management

1) mechanism. That we expected the school districts to  
2) manage themselves.

3 Q. If I can interrupt for a second to make  
4 sure I understand what you just said.

5 A. Yeah.

6 Q. I take it the prototype school model,  
7 which I understand a large part of is pages 8 through  
8 10 on the report?

9 A. Yeah.

10 Q. And this is what the task force concluded  
11 are the resources that a school would need to provide a  
12 meaningful high school diploma?

13 A. Yes.

14 Q. That would determine the amount, the  
15 dollar number that goes to a particular school  
16 district?

17 A. Yes.

18 Q. But then the school district has the  
19 flexibility to decide how they're actually going to  
20 spend those dollar numbers to provide the education?

21 A. Yes.

22 Q. Okay.

23 A. And we expected there to be two forms of  
24 accountability. One was that the school district would  
25 have to explain why they didn't do it the way the



1) prototype model said, and we felt that that was  
2) something that would be relatively straightforward, but  
3) it gives clarity and communicates between the  
4) community, the parent, and the school.

5) Q. Based on your experience on, for example,  
6) the Mercer Island School Board, is that something you  
7) think in the real world would work?

8) A. Yes. I think it's one of the things that  
9) we've taken away from school districts over the years.

10) Q. Okay. Then the second thing was?

11) A. The second thing is the student data  
12) system and the accounting system, which is a way of  
13) measuring the cost and quality of the outputs of the  
14) system, what the outcomes are, and we felt that that  
15) would allow us to be able to look at what districts had  
16) done, compare them both on the terms of the economics  
17) and in terms of the quality of the results of the  
18) program, and that that would be a way that we would not  
19) only hold school districts accountable, but it would be  
20) how we learned to improve the quality of the education  
21) that our kids got over time.

22) Q. Would part of that be school district X  
23) was doing something very different, but golly gee, it  
24) actually worked and --

25) A. Yes.

1 to change fairly rapidly.

2 Q. And what happened to those ideas?

3 A. I lost the vote. Dan Grimm won. But  
4 that's the example. I mean, if I was doing this  
5 myself, I would want it not to have categorical, but as  
6 a group of, I don't remember how many people there  
7 were, 17 people, we in order to get a majority of us to  
8 agree had to give on that point.

9 Q. And the whole prototype school model that  
10 you were describing, is that the way the state  
11 currently determines funding for education?

12 A. No.

13 Q. And what's the current way that the state  
14 determines its funding for education?

15 A. Well, through this biennium, the way that  
16 we do it is through a series of formulas called  
17 classified ratio, the certified ratio and the NERC  
18 allotment, and behind those are a number of algorithms  
19 like the --

20 Q. When you say algorithm, do you mean just  
21 an algebraic equation?

22 A. Yes, yes, that, for example, one is called  
23 the per student inflator, which is a way of increasing  
24 or decreasing the amount of money that goes to  
25 education outside of the basic, basic, they call it

1 ratio, and all of that is buried fairly deeply in the  
2 budget and so nobody really gets to understand or see  
3 it until well after the legislative session. That was  
4 one of the principal complaints or criticisms that  
5 we've had over the years of the way the state does  
6 their budgeting, and it was one of the principal  
7 motivations to get to a prototype model.

8 Because the prototype model in our view  
9 had two distinct advantages. One of them was is the  
10 people could actually understand what you were talking  
11 about; and secondly, if the legislature decided that it  
12 would do something different than what was in the RCW,  
13 it would require a bill under the single subject clause  
14 to change it, and the legislators would have to be able  
15 to go back and explain what their vote was on that  
16 particular subject, not on a bill that conflates a  
17 whole bunch of subjects.)

18 Q. When you say "conflates a whole bunch of  
19 subjects," you mean just mixes them all together so  
20 it's pretty --

21 A. No, no, no, no.

22 Q. What do you mean by conflate?

23 A. What a budget is, it's called the omnibus  
24 budget, and it's called the omnibus budget and it's the  
25 general fund and the near general fund of the state.

1 So it has all the things the state is going to spend  
2 money on in the biennium listed. As a legislator,  
3 there are things you like and don't like. In the end  
4 you make a decision whether there's enough in it that  
5 you like or enough in it that you don't like to get you  
6 to vote yes or no.

7 But the reality is that you're not, you're  
8 never held accountable for any specific decision in it,  
9 and as a politician, I know how to be able to explain  
10 my vote to the satisfaction of the people who like the  
11 budget and who don't like the budget. It's in any  
12 specific detail.

13 So we wanted to get around that. That was  
14 one of our principal goals, was to get this out of the  
15 budget process. So it drives the budget, but that the  
16 legislature in order to change it has to make a  
17 specific decision to do so, not as a part of a single  
18 vote on an omnibus budget, but as a vote on what the  
19 definition of basic education is.

20 Q. And so I understand it, the concept here  
21 at least behind the Basic Ed Task Force proposal, I  
22 don't want to pretend like pages 8, 9, 10 are the  
23 entire proposal.

24 A. They are.

25 Q. They are?

1 A. Yeah.

2 Q. This is the prototype school model?

3 A. This is the prototype school model, yeah.

4 Q. So if I understand what you were saying,  
5 then, for example, if the legislature wanted to change  
6 the amount of money for student technology, they would  
7 have to take a vote on whether it's going to change  
8 from 200 to drop it down do 50 or increase it to 300?

9 A. That would be the concept, yes.

10 Q. Similarly, with respect on the top of that  
11 page, same page, 10, learning improvement days, right  
12 now it's got 10. By the way, what is a learning  
13 improvement day?

14 A. It's essentially a day that teachers are  
15 paid when children aren't in school and that the  
16 schools can do educational programs. Typically they're  
17 call in-service programs by the educators. It's  
18 fundamentally training for teachers.

19 Q. Basic days where you teach teachers how to  
20 teach?

21 A. Yes.

22 Q. The task force recommendation was 10 days?

23 A. Yes.

24 Q. Okay. The concept was if you have this  
25 prototype school set up, if the legislature wants to

1 change it to let's say two, they would have to take a  
2 vote on that, as opposed to having it just be one of  
3 the factors in a formula in the budget?

4 A. Yes.

5 Q. The other significant part that you  
6 mentioned of the task force proposal is reforming the  
7 compensation licensure program?

8 A. Yes.

9 Q. What did you mean by that?

10 A. We believed that, the factoid that we used  
11 was over the last 25 or 30 years we've seen the SAT  
12 scores of students going into the schools of education,  
13 drop by about 75 points, and what that told us was that  
14 there was a problem, that we weren't competitive in the  
15 job market for the kinds of kids that we wanted to  
16 bring into the teaching profession.

17 So we were looking for a way of doing two  
18 things. One was being more competitive so that people  
19 who wanted to teach didn't have to give up all of the  
20 economic advantages of going into a different more  
21 lucrative profession. Not that we would pay at those  
22 levels, but we would pay closer so that --

23 Q. It's at least competitive?

24 A. It's competitive, yeah.

25 And secondly, we wanted to know that the

1 teachers who were in the profession or coming into the  
2 profession actually knew the things that were needed to  
3 be able to teach. One of the things that we learned  
4 from research was that the system that we have today  
5 for compensation which compensates teachers for  
6 additional hours of classroom work or degrees has no  
7 correlation to student learning. So that that teacher  
8 who has a doctorate degree and a teacher who has a  
9 bachelor's degree in the classroom don't necessarily  
10 have any difference in the outcome in terms of the  
11 quantity, the amount that a kid learns.)

12 Q. But they do have a difference in the  
13 amount they're paid under the current state salary  
14 schedule?

15 A. They're paid significantly different based  
16 on the fact that one has a doctorate and the other has  
17 a BA.

18 So what we found from the research is that  
19 we are starting to learn that there are behaviors that  
20 teachers exhibit in the classroom that are  
21 correlatable. An example would be when a child is --  
22 when you have a group of elementary children around a  
23 table, a good teacher will know when a child is  
24 starting to lose their attention span and will be able  
25 to intervene and get the kid back on task before any

1 disruption takes place. A less adept teacher won't  
2 notice that until the child starts to act out, at which  
3 point it takes more intervention, it's harder to bring  
4 them back, it has a negative effect on the other  
5 children who are in the work group.

6 So you can observe from a teacher, as a  
7 coach, you can sit back and you can observe what those  
8 behaviors are that the teachers are exhibiting and you  
9 can make decisions about whether or not that teacher is  
10 an effective teacher or less effective teacher, and you  
11 can also based on that intervene and be able to coach  
12 teachers who are less effective to become more  
13 effective.

14 What we wanted was a system that  
15 encouraged and rewarded the process of developing those  
16 behaviors over time, as opposed to one that required  
17 teachers to go out and spend a lot of money to get a  
18 degree that didn't have any impact in order to get a  
19 higher wage.

20 Q. So what were the elements of the proposal  
21 of the task force to address that issue?

22 A. Well, it was the certification process,  
23 sort of the overview of it is that we wanted to change  
24 the compensation system from the one that we have today,  
25 to one that has four levels: student, resident,



1) professional, and master. The notion would be that in  
2) order to move from student to resident, you would have  
3) to be able to, in a practicum be able to show that you  
4) have those behaviors, that you can in fact do those  
5) kinds of things at a level that's adequate to be able  
6) to get you into the profession.

7) Then after three to five years, you would  
8) take another practicum and you would be evaluated as to  
9) whether you had come to a level of competence that is  
10) adequate to be a professional grade. If you failed to  
11) do that, you had a -- your resident certificate was  
12) only good for five years so you were no longer in the  
13) profession.) Then --

14) Q. Was part of that weeding out the people  
15) who really shouldn't be teachers anyway?

16) A. Yeah, exactly. You know, yeah, I mean,  
17) the idea is that not everybody can be a fighter pilot.  
18) Not everybody can be a teacher. And what you want to  
19) do is you want to find the people who can be teachers  
20) and reward them for being teachers, and the ones who  
21) can be fighter pilots and reward them for being fighter  
22) pilots.

23) Q. Then with respect to the licensure, how  
24) does that then fit in with that?

25) A. Well, the first is that you know you've

1 got levels of performance and so for someone who has  
2 gone through the education schools, we wanted to have a  
3 level of performance that was a reasonable one, not  
4 only to make sure that people who get into the  
5 classroom are competent from the get-go, but actually  
6 more important than that, that we could drive the  
7 reform of the higher education system and the way the  
8 teachers were developed.)

9 (Because many of us have felt that the  
10 education degree is not really a particularly valuable  
11 degree and not worth in fact what we pay for it. When  
12 you've got that degree, it's not -- there's nothing  
13 necessarily that suggests that you are ready to be a  
14 teacher. So what we wanted to do is be able to have a  
15 way of pushing the universities to reform and begin to  
16 change the way that they develop teachers, again, along  
17 this line of what the researchers were starting to  
18 learn a lot more about how people learn, brain  
19 research. It's what's happened in education since the  
20 reform movement started in Tennessee in other places.)  
21 (So that's the first.)

22 (Then the next is you essentially have at  
23 least two in our proposal, at least two and as many as  
24 five years to be able to develop journeyman skills so  
25 that you could be in fact a professional, deemed a)

1 professional. Then subsequent to that, you could apply  
2 for what we have modeled as or we've talked about as  
3 the national board certification, which has a process  
4 that's very much like, much of what we've modeled,  
5 we've done, we've modeled on the national board  
6 certification process.

7 And anyway, that was our basic thing.  
8 Again, the idea would be that there would be step  
9 increases for teachers through their career, but there  
10 would be large increases when you went from resident to  
11 professional, and from professional to master, to  
12 actually reward people and incentivize them to do those  
13 sorts of things.)

14 Q.) (If I can ask you to turn to in the final  
15 report the minority report or the interim concerns memo  
16 from you and Betty Hyde that starts on C-39.)

17 A.) (It's really way in the back, isn't it?)

18 Q. Not quite as far back as  
19 Mr. Kowalokowski's was buried. Are you looking at page  
20 C-39 and C-40?

21 A. Uh-huh.

22 Q.) (Would you identify what those two pages  
23 are, please?)

24 A.) (It's essentially a memorandum that we  
25 wrote to the group expressing concerns that we had.)

1 Q. And the "we" there is Superintendent Betty

2 Hyde and --

3 A. Betty Hyde and myself.

4 Q. Ms. Hyde is superintendent of Bremerton

5 School District?

6 A. Bremerton.

7 Q. The first paragraph where you say, "We

8 are, however, concerned about the functioning of our

9 schools in the interim while the task force

10 recommendations are being implemented." Do you see

11 that?

12 A. Yes.

13 Q. The task force recommendations would be

14 the ones that are in the final report, Exhibit-177?

15 A. Uh-huh.

16 Q. And the interim while they're being

17 implemented, is that the six-year time frame?

18 A. Yes.

19 Q. And when you say that you're concerned

20 about the --

21 A. Actually, the eight-year time frame under

22 the report because it was from this budget year through

23 2016.

24 Q. So was it from the end of the '09-'11

25 biennium?

1 that?

2 A. Uh-huh.

3 Q. When you're referring to the standard, are  
4 those the state educational standards we talked about,  
5 the House Bill 1209 and the EALRs?

6 A. No. I think what we were referring to  
7 there, I have to reach back, but I think what we were  
8 referring to there was the increase in the number of  
9 special education, free and reduced, and ELL kids who  
10 have those characteristics.

11 Q. Okay. What's the basis for the statement  
12 that it requires smaller class size, more space, more  
13 teachers?

14 A. Well, the way that you deal with students  
15 who have specialized problems, of which those are three  
16 classes, generally is to reduce the class size so that  
17 there's more one-on-one or one-on-small attention with  
18 those children. So that was the sense in which we were  
19 talking. I don't know that there was a specific study  
20 or -- I know there wasn't a study, but I don't think  
21 there was a specific example that we used to come up  
22 with that.

23 Q. And then later on that same paragraph you  
24 say, "For school districts with enrollment of 1,000 and  
25 below (the majority of school district in our state)"

1 average ending fund balance budgets have gone from 16  
2 percent in 1999 to 8 percent in 2008-9."

3 A. Uh-huh.

4 Q. "This trend is a threat to our state's  
5 educational system and economy." Do you see that?

6 A. Uh-huh.

7 Q. What's the significance of ending fund  
8 balances there going from 16 to 8 percent, could you  
9 explain that to me?

10 A. Probably the easiest way to talk about  
11 that is the \$9 billion that we had to cut out of the  
12 budget. The state's sales tax receipts tanked and as a  
13 consequence, we had to go back and rethink what we were  
14 doing and reduce the programs that we thought we were  
15 committing -- we had committed to do.

16 The same thing is true in the school  
17 district. One of the things that you want the ending  
18 fund balance for is to be able to have a buffer so that  
19 as the revenues come in in a different rate from when  
20 they usually are or what we expected them to be, you  
21 can still manage the system without having to become  
22 insolvent.

23 Secondly, it's also -- school districts  
24 have a very difficult financial management problem.  
25 They have to manage their finances on five different

1 calendar periods: the school year, the federal budget,  
2 the state budget, and tax year, all of which start and  
3 end at different times. So having the ability, having  
4 the wherewithal to be able to show the financial  
5 institutions that you have the ability to repay the  
6 loans that are necessary to be able to manage your cash  
7 flow requires you to be able to show that you will have  
8 an ending balance that is sufficient to give them  
9 confidence.

10 Q. Based on your experience, all those years  
11 with the Education Committees and your experience on  
12 the Basic Ed Task Force, do you believe that schools  
13 having ending fund balances of let's say in the  
14 neighbor of 8 percent is a problem?

15 A. For school districts I think the target is  
16 usually to be at about 10. For cities, it's usually  
17 been about 5, but that's because cities have more  
18 flexibility than school districts do.

19 Q. When you say "more flexibility," what do  
20 you mean?

21 A. As a city, as a city council member, I had  
22 the ability to make decisions that fundamentally could  
23 change where the city was going and what we were  
24 doing. As a school board member, I didn't have that  
25 luxury.

# BULKY SUB

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SEGMENT 2 OF 2



(1) Q. Could you give me some examples of what  
(2) you're talking about?

(3) A. I could reduce the number of police or  
(4) fire employees that we have for the city. I could  
(5) decide to defer maintenance on a street. I could, you  
(6) know, shut down our Youth and Family Services, for  
(7) example. I could do any of those things and there was  
(8) nothing that prohibited me from doing it.

(9) But in the schools, I'm required to do 180  
(10) days per year, I've required to do these subjects and  
(11) I'm required to have a certain amount of staffing, et  
(12) cetera, and I'm required to do things. This is what  
(13) the school districts talk about when they talk about  
(14) unfunded mandates. I'm required to do certain things  
(15) in certain ways, deliver certain services, and as a  
(16) school board member, I don't have the authority to be  
(17) able to say I'm not going to do that. It is one of the  
(18) big learning from me from moving from the city council  
(19) to a school board and one of the reasons I was so  
(20) strong on not having categorical amounts.

(21) Q. And the end of that page, you say,  
(22) "Additionally, special education deserves special  
(23) notice. It seems generally agreed that special  
(24) education has been systematically underfunded both  
(25) locally and nationally." Do you see that?

1 A. Uh-huh.

2 Q. What do you base that statement on?

3 A. Well, I go back to the beginning of the  
4 Bush administration when Jim Jeffers switched parties  
5 and switched parties because Bush reversed himself on  
6 fully funding special education. In this state,  
7 there's a factor of .9018 or something, I keep  
8 forgetting what it is, four characters, but  
9 essentially --

10 Q. The multiplier?

11 A. For sake of a 90 percent factor, for the  
12 sake of argument, that is research-based that says that  
13 that would be adequate to be able to provide a level of  
14 special education consistent with what federal law and  
15 state law would require. In this state, we have  
16 applied that to basic education. We haven't applied  
17 that to total education funding.

18 So, for example, in the last year, this  
19 fiscal year, we've spent just shy of \$7 billion on  
20 education. But we've only spent 5.6 billion on basic  
21 education. So the application of that factor to 5.6  
22 billion is a significant reduction in the amount of  
23 money that is available for special education. And  
24 were the number applied to the \$7 billion, we would be  
25 much closer to what the research says is an adequate

1 amount of money for special education and what the 90  
2 percent number was predicated on.

3 Q. Okay.

4 A. We've been working for some years on that  
5 in terms of trying to get that changed in the budget,  
6 and it is one of the recommendations that's in our  
7 report. In this letter, we were just pointing out that  
8 it's happening now.

9 Q. When you say "one of the recommendations"  
10 that's in our report," you mean one of the  
11 recommendations in the Basic Ed Task Force report?

12 A. Yes.

13 Q. Just so I'm clear, the recommendation  
14 you're talking about is applying the special ed  
15 multiplier to all education funding, as opposed to just  
16 the, quote, basic education allocation, closed quote?

17 A. Actually, I think technically what we said  
18 is applied to basic education, but the basic education  
19 number is more than the total education number is  
20 today.

21 Q. I've gone through a lot of the Basic Ed  
22 Task Force meetings, watching everybody on TVW and  
23 I've --

24 A. You have my sympathy.

25 Q. At least I could fast forward through

1 we've traditionally done in education, then anything  
2 that you do is done for the right reasons and is the  
3 right thing to do, if you had good intentions, and good  
4 intentions aren't enough.

5 MR. CLARK: Can we take a short break?

6 MR. AHEARNE: On those prophetic words,  
7 yes.

8 (Brief recess.)

9 Q. Going back to just some comments that were  
10 made during the course of the Basic Ed Task Force  
11 meeting, I'm looking at my notes of the March 24, '08  
12 meeting, you made a comment along the lines of, "I  
13 believe that if you look at the last 30 years of  
14 history, you will see a state that went from one of the  
15 best funded education systems to one of the worst  
16 funded education systems." Do you recall saying  
17 something like that?

18 A. I've said that many times, but not three,  
19 30 years.

20 Q. 30 years. I'm sorry, I thought I said  
21 30.

22 A. Oh.

23 Q. Why do you make that statement? I mean,  
24 is it true?

25 A. It's true. If you go back to the 1970s,

1 both California and Washington paid teachers very well  
2 and were relatively high, my memory is in the top five,  
3 at least the top ten in the United States in terms of  
4 per student funding, and we're now down in the 40s.

5 Q. Looking at notes from another task force  
6 meeting, this is the November 18 of '08 meeting, you  
7 noted that, "The proposal called out for a fairly  
8 robust program for gifted students or advanced  
9 students. We think that's something that we should  
10 make a part of basic education and we should call that  
11 out as an explicit thing."

12 What's the fairly robust program for  
13 gifted students that you were talking about and why  
14 should that be part of basic education?

15 A. Well, we put in the prototype model a  
16 factor that you could put in and the factor was  
17 essentially, it was essentially modeled after special  
18 education, and the idea was to have something for kids  
19 that were gifted that would allow you to have special  
20 programs for them so that you could move them along  
21 faster into higher levels because of their capacity  
22 than most, than average kids moving the average kid  
23 through the system.

24 Q. And why should allowing advanced kids to  
25 move through the system faster or reach a higher level,

1 why should that be part of basic education?

2 A. Well, because at least I feel that one of  
3 the things that allows us to be as prosperous and  
4 competitive as a region or as a country we are, are the  
5 people who are able to think farther out than the rest  
6 of us can. When you have a child that has those kinds  
7 of capabilities, it seems wise to me to invest in them  
8 because we as a society get a lot more out of it.

9 The evidence that I've seen suggests that  
10 the current system isn't designed well for those kinds  
11 of kids, that it bores them and they don't learn very  
12 much, and they oftentimes more often than you would  
13 expect turn out to be the kids who drop out. So one of  
14 my positions has always been is that you need to teach  
15 each kid individually based on the needs of the  
16 individual kid, move them at the speed they need to be  
17 moving. This is just a sort of a coarse way of doing  
18 it for that group of kids.

19 Q. The theory being you have to provide  
20 advanced programs for advanced kids to keep them in  
21 school?

22 A. Uh-huh.

23 Q. Another meeting, I'm now looking at the  
24 November 24, '08 meeting. You're talking about the  
25 core 24 program, saying something along the lines, " It

1) seems reason to us if you want to have students  
2) graduate with skills and confidences that are defined  
3) by 1209, there needs to be the availability of 24  
4) credits over a period of a high school education. What  
5) needs to be available for kids to be able to meet the  
6) expectations that we're setting with 1209, we think  
7) there need to be 24 credits in high school."

8) (Is this the core 24 program you're talking  
9) about?)

10) A. Yes.)

11) Q. And is 1209 those four numbered provisions  
12) in House Bill 1209, the read with comprehension, write  
13) effectively, know and apply core concepts of math,  
14) science, et cetera?)

15) A. Yes.)

16) Q. Would that also include the EALRs that you  
17) referred to earlier?)

18) A. Yes, at least in my mind.)

19) Q. And the EALRs are the essential academic  
20) learning requirements?)

21) A. Yes.)

22) Q. And if you can flesh out a little bit what  
23) the basis was for your conclusion that the core 24,  
24) allowing 24 credits is what was needed to provide kids  
25) that meaningful opportunity to reach those state

1 standards?

2 A. So there's two answers to that. One is  
3 going back to what a meaningful high school diploma is  
4 and what kids need to have for that post-secondary  
5 life, whether it's work or school. The other one is  
6 that if you look at the schools who do well, you find  
7 out that they don't have five periods. In Washington  
8 state, this is the U.S. News and World Report ratings  
9 that just came out a few months ago, there are four  
10 schools that got gold stars from U.S. News and World  
11 Report. Three of them are in my district and the three  
12 in my district have seven periods and the one that is  
13 not in my district has six. If you look at the bronze  
14 and silver schools, you'll find that the average is  
15 well over six. So there's a pretty clear, I think  
16 pretty clear evidence that the amount of time that you  
17 invest in teaching has an impact on the quality of the  
18 education that kids get.

19 (Exhibit-376 marked.)

20 Q. Looking at Exhibit-376, that is November  
21 19, 2008 email from you; is that correct?

22 A. I'm sorry?

23 Q. Exhibit-376 is a November 19, 2008 email  
24 from you; is that correct?

25 A. Yes.



1 Q. If I can ask you to look at the second  
2 paragraph that begins with, "Note the spreadsheet"?

3 A. Yes, uh-huh.

4 Q. Then there's the next sentence, "We  
5 intend, I think, to restructure the current arbitrary  
6 and capricious definition of basic education funding  
7 with a model schools approach." Do you see that?

8 A. Yes.

9 Q. Is the model schools approach that  
10 prototype school you were talking about?

11 A. Yes.

12 Q. What do you mean by "the current arbitrary  
13 and capricious definition of basic education funding"?

14 A. The formulas.

15 Q. And when you say "the formulas," do you  
16 mean the --

17 A. Classified ratio, certified ratio and  
18 NERCs, buried in the budget with the algorithms that go  
19 with it.

20 Q. The formulas that go with it?

21 A. Uh-huh.

22 Q. So just to make sure I understand, that  
23 would be the basic education allocation of, for  
24 example, 49 teachers per thousand kids, that staff  
25 salary schedule?

(1) A. Yes.)  
(2) Q. And then the NERCs based on that as well?)  
(3) A. Yes.)  
(4) Q. And then would that also include the LAP  
(5) funding equation?)  
(6) A. I wouldn't say that the LAP equation was  
(7) arbitrary and capricious.)  
(8) Q. What about the ELL equation?)  
(9) A. I wouldn't say that either.)  
(10) Q. What about the special ed equation?)  
(11) A. To the extent that it is driven by the  
(12) basic education numbers, which I do think are arbitrary  
(13) and capricious, at least in this memo.)  
(14) Q. And what about with respect to the portion  
(15) of pupil transportation, the formula that's used to  
(16) factor that?)  
(17) A. I wouldn't say that the formula for  
(18) transportation is arbitrary and capricious. It's just  
(19) wrong.)  
(20) Q. When you say "wrong," do you mean that it  
(21) doesn't produce the amount of money that it actually  
(22) costs to transport kids?)  
(23) A. It doesn't model the reality of how you  
(24) run transportation systems.)  
(25) Q. Is the result that it underfunds,)

1 overfunds, approximately?)

2 A. The JLARC study was really clear that it  
3 underfunds.

4 Q. To make sure I'm clear, the JLARC study  
5 was very clear that the current transportation funding  
6 model underfunds the actual cost to the school  
7 districts providing pupil transportation?

8 A. Yes, yes.

9 Q. When you're talking about the funding  
10 formulas, the basic education funding formulas being  
11 arbitrary and capricious, what do you mean by  
12 "arbitrary and capricious"?

13 A. In my mind, there's no relationship  
14 between what we say we want a K-12 system to deliver  
15 and the mechanism that we use to determine the  
16 resources that we fund the system with.

17 Q. When you say that, are you describing the  
18 current system then?

19 A. Yes.

20 Q. Do you believe that the Basic Ed Task  
21 Force proposal would have been a rational way to  
22 allocate the funds and determine the actual costs of  
23 delivering the education we're trying to deliver to  
24 kids?

25 A. Yes.

1 Q. If I can ask you to turn to other exhibits  
2 that were marked this morning, 368, and 369, could you  
3 briefly identify what those two exhibits are?

4 A. 5444, Senate Bill 5444 and House Bill 1410  
5 are the legislation that our group put together as a  
6 consequence of the BETF report.

7 Q. The Basic Ed Task Force report?

8 A. Yes, and entered and introduced to the  
9 legislative session in January.

10 Q. When you say "our group," do you mean the  
11 legislators on the Basic Ed Task Force?

12 A. Yes.

13 Q. And those are the legislators that were  
14 the authors of Exhibit-367?

15 A. Yes.

16 Q. And are Senate Bill 5444 and House Bill  
17 1410 in essence mirror images of each other?

18 A. They should be identical.

19 Q. What was the purpose of the legislators  
20 who drafted Exhibit-367, what was the purpose of them  
21 submitting House Bill 1410 and Senate Bill 5444, was it  
22 to implement the Basic Ed Task Force recommendations?

23 A. Yes.

24 Q. Very briefly, what happened after these  
25 were introduced? I'm just looking for a real short

1) chronology.

2) A. There was a firestorm of opposition from  
3) the WEA.

4) Q. And to both 1410 and 5444?

5) A. Yes.

6) Q. Did either of these bills make it out of  
7) their respective chamber?

8) A. No.

9) Q. What do you understand the firestorm of  
10) opposition to have been based upon?

11) A. I don't understand.

12) (Exhibit-377 marked.)

13) Q. Could you please identify what Exhibit-377  
14) is?

15) A. I believe that this is one of my e-letters  
16) that I send out periodically during the session.

17) Q. Actually, if it helps you, I don't want to  
18) mark this as an exhibit, this is the web page that we  
19) pulled it from and highlighted here is just the link we  
20) have.

21) A. Yes.

22) Q. Does that help you identify what  
23) Exhibit-377 is?

24) A. That is what it is. It's my e-letter.

25) Q. What is the purpose of these e-letters?

1           A.    They're my attempt to share with my  
2 constituents what's going on in the legislature on a  
3 periodic basis.

4           Q.    I notice on the top of Exhibit-377 you're  
5 referring to the Basic Ed Task Force proposals. Those  
6 would be the proposals in Exhibit-177?

7           A.    Yes, SB 5444, and House Bill 1410.

8           Q.    Exhibit-368 is Senate Bill 5444 and  
9 Exhibit-369 is House Bill 1410?

10          A.    Yes.

11          Q.    And moving down paragraphs one, two,  
12 three, the fourth paragraph where you note, "we have  
13 neglected our K-12 to the disadvantage of our children  
14 and our economy. Washington state once was at the top  
15 of the country in the K-12 funding; today we are near  
16 the bottom." Is that true?

17          A.    That was the same question you asked  
18 earlier, and yes, I believe that's true.

19          Q.    A little further on when you're addressing  
20 the issue of TRI pay, what is TRI pay, just briefly?

21          A.    TRI pay is time, responsibility,  
22 incentive. And in principle it was a way the  
23 legislature allowed school districts to provide some  
24 compensation for teachers who do extra things, either  
25 spend more time, take on more responsibility or to

1) incentivize them to do particular things. We found in  
2) our work in the BETF --

3) Q. When you say "BETF," you mean the Basic Ed  
4) Task Force?

5) A. Yeah, the Basic Ed Task Force, what we  
6) found was that it fundamentally was a regional cost of  
7) living adjustment.

8) Q. What do you mean what the Basic Ed Task  
9) Force found was that the TRI was a regional cost of  
10) living adjustment?

11) A. We found that there was a strong  
12) correlation between the price of housing in a district  
13) and the TRI pay, and we found that there was a high  
14) correlation between the income in a district and the  
15) TRI pay, which we defined essentially those are the  
16) things that we by definition think of what the cost of  
17) living is.

18) Q. Who funds TRI pay, the state or the local  
19) levies?

20) A. Local levies.

21) Q. When you make the statement, "in fact,  
22) Local levies are inappropriately funding basic  
23) education," what do you mean by that?

24) A. It's my belief that the state has the  
25) obligation to compensate teachers who provide basic

1 education services and that that means you need to  
2 compensate them appropriately for the market in which  
3 they are performing those tasks. And since I've  
4 concluded that TRI pay is a cost of living adjustment,  
5 it's not appropriately a local thing, it's  
6 appropriately something that the state should fund.

7 Q. I just want to make sure I'm clear. When  
8 you're saying cost of living adjustment, there's one to  
9 think of that is with inflation every year, you get a  
10 cost of living adjustment, a COLA. Another way is it's  
11 more expensive to live in let's say the Seattle area  
12 than Moses Lake.

13 A. That's correct.

14 Q. So when you're saying a cost of living  
15 adjustment --

16 A. It's the second, it's the differential  
17 between Moses Lake and living in Bellevue.

18 Q. Would it be fair to say then that the way  
19 you're using the term TRI pay makes up for the  
20 difference between the state's basically flat salary  
21 schedule and what school districts have to pay to have  
22 a competitive salary in their district?

23 A. Yes.

24 Q. The basis for your conclusion there is the  
25 work you did on the Basic Ed Task Force and then your



1 work on the Education Committees all those years?

2 A. Yes.

3 Q. How long were you a member of the Mercer  
4 Island School Board?

5 A. Parts of three years.

6 Q. If I can ask you to turn to the second  
7 page of Exhibit-377, please, and a few paragraphs down  
8 where it says, "The state should not expect educators  
9 to subsidize taxpayers, either through undercompensated  
10 work or purchasing supplies because the state won't."  
11 Do you see that?

12 A. Yes.

13 Q. Is it your understanding that currently  
14 the state is expecting educators to subsidize  
15 taxpayers, either through undercompensated work or  
16 purchasing supplies because the state won't?

17 A. No, I don't think the state expects that.

18 Q. In fact, are educators doing that, though?

19 A. I believe so. I have had educators tell  
20 me that they do.

21 Q. In that same paragraph, it talks about,  
22 "In addition to increasing compensation the proposal,"  
23 and the proposal here is the Basic Ed Task Force  
24 proposal?

25 A. Yes.

1 Q. And it would be --

2 A. And 5444.

3 Q. So 5444 "changes the way materials and  
4 supplies are funded, replacing NERCs with specific  
5 allocations for major types of materials and supplies."  
6 Do you see that?

7 A. Yes.

8 Q. And that's the NERCs that we talked about  
9 earlier with the technology, et cetera?

10 A. Yes.

11 Q. Then you refer to NERCs as being "one of  
12 the many arcane concepts in our current financing  
13 system." Do you see that?

14 A. Yes.

15 Q. What do you mean by an arcane concept?

16 A. Arcane concepts, it's the notion that we  
17 talked about earlier that we have these obscure  
18 formulas and ratios that are not transparent, that  
19 people don't understand.

20 Q. You also think they're not tied to the  
21 real cost on the ground?

22 A. They're historical artifacts of the way  
23 that budgeting allocation of funds was done when we  
24 used pencils and papers.

25 Q. Tracing its roots back to the late 1970s,

1 when these formulas were established?

2 A. Yes.

3 Q. The last sentence of that paragraph you  
4 state, "Proposed funding is significantly higher than  
5 current, clearly inadequate NERC apportionments"?

6 A. Yes.

7 Q. The proposed funding is the proposed  
8 funding in Senate Bill 5444?

9 A. Yes.

10 Q. Why do you call the current NERC  
11 apportionments clearly inadequate?

12 A. Because they've evolved from a period in  
13 which costs that we now consider to be routine, like  
14 technology, didn't exist and they have not kept up with  
15 the costs of items like textbooks and other material  
16 and supplies.

17 Q. Would it be accurate to say that the  
18 amount of funding the state provides for the  
19 nonemployee-related costs has not kept up with the  
20 actual costs to a school district of those costs?

21 A. Yes.

22 (Exhibit-378 marked.)

23 Q. Handing you Exhibit-378, can you identify  
24 what that is, please.

25 A. It's another one of my e-letters, I

1 believe.

2 Q. I'll do the same thing I did with the last  
3 one here. I'm just showing you the web page of yours  
4 that I got it from.)

5 A. Yeah.)

6 Q. Does that confirm Exhibit-378 is one of  
7 your e-letters?)

8 A. Actually, no.)

9 Q. What is it, what's Exhibit-378?)

10 A. It's under the heading of Ed Reform in  
11 Washington, which is just a web page that we have.

12 It's not necessarily an e-letter. For all intents and  
13 purposes, it's the same thing. It's just that one is  
14 pushed out and the other has to be pulled.)

15 Q. And Exhibit-378 being something that the  
16 reader has to take as opposed to --

17 A. Yes.

18 Q. -- the prior exhibit which is something  
19 that you email out to people on your list?

20 A. Yes.

21 Q. So with respect to Exhibit-378, I'd like  
22 you to turn to the second to the last paragraph and the  
23 last sentence where it says, "BETF found educators  
24 about 20 percent behind market and proposes to close  
25 that gap in addition to buying TRI pay." Do you see

Resp. objects -  
hearsay; relevance

Petitioners respond that Trial Exhibit 195 (Dep. Ex. 378) qualifies for multiple hearsay exceptions -- as a document that is posted and maintained on Senator Jarrett's official web page, it is a business record and a public record, and as the public statement of a public official, is trustworthy; it is not offered for the truth of the citizen's statements, but only for Senator Jarrett's responses, which he reaffirms in his testimony; the legislation and issues discussed (teacher pay) are relevant.

*S on testimony*  
*Ex 195 was*  
*Q speaks for itself*

1) that?

2) A. Yes.

3) Q. BETF is again the Basic Ed Task Force?

4) A. Yes.

5) Q. The TRI pay is the TRI pay we just

6) finished talking about?

7) A. Yes.

8) Q. The statement that the task force found

9) educators about 20 percent behind market, what do you

10) mean by that?

11) A. We had a study that was done as part of

12) the BETF work by a professor from Texas who came in and

13) did an analysis of the labor markets and based on that

14) analysis included essentially what I said there.

15) Q. That educators in Washington are 20

16) percent behind market?

17) A. Yes.

18) Q. By 20 percent behind, you mean they're

19) paid 20 percent behind?

20) A. Less.

21) Q. Less.

22) The proposal of 5444, if I understand

23) correctly, was to close that 20 percent gap?

24) A. Yes.

25) Q. That was with state funding as opposed to

1 local levies?

2 A. The notion behind both the labor study and  
3 the proposal was that we were trying to make education  
4 as a profession competitive with other professions that  
5 we felt had the quality of people going into them that  
6 we wanted into education. The notion that our kids  
7 deserve the best, we want good teachers. That's an  
8 important place for society to invest its money, its  
9 talent.

10 Q. When it's talking about educators being 20  
11 percent behind market, then, is that the total salary,  
12 that educators are being paid, or is that the state  
13 funded portion of the salary? Because I notice here it  
14 also says you're going to make up the gap in addition  
15 to buying TRI pay?

16 A. My memory is that it was the state  
17 portion, and the cost of living differential was on top  
18 of that.

19 Q. I'll make up some numbers, they're not the  
20 correct numbers, but let's pretend that the allocation  
21 for a specific teacher is 34,000. That's the state  
22 funded allocation.

23 A. Yes.

24 Q. Then the TRI on top makes it 40,000.

25 A. Okay.

1 Q. My question is: The conclusion that the  
 2 teachers were paid 20 percent below market, is that the  
 3 40,000 when you add the TRI pay plus the state  
 4 allocation, or is it the state allocation of 34 which  
 5 is 20 percent behind market?

6 A. It would be the 34,000. You would add  
 7 34,000 to that stack, 6,800 to that stack.  
 8 (Exhibits-379 and 380 marked.)

9 Q. If I can ask you to please identify what  
 10 Exhibit-3 Exhibit-379 is, please?

11 A. I think it's from that Ed Reform in  
 12 Washington section of the --

*EX 196 (B) previously  
 Testimony is explanatory*

13 Q. I'll go ahead and show you the web page.

14 A. Yes, it's from Ed Reform.

15 Q. When you say the "Ed Reform in  
 16 Washington," you're talking about, this is from the  
 17 Fred Jarrett website?

18 A. My Senate website and this is an email I  
 19 received from N, and what we've done is we've put it on  
 20 the web so that others can see how I respond to some of  
 21 the criticisms that came from the WEA.

22 Q. These are criticisms of Senate 5444?

23 A. Yes.

24 Q. Near the top, it refers to, "the best"  
 25 summary is here." I'll tell you what I did. I clicked

Resp. objects to TrEx 196  
 (Dep. Ex. 379) - relevance

Petitioners respond that Trial Exhibit 196 (Dep. Ex. 379) contains conclusions that Senator Jarrett reached through his work on the Basic Education Finance Task Force on topics that are highly relevant to this case, including whether current state education funding is fully sufficient, whether teacher pay is competitive, and whether NERCs are adequately funded.

(1) on it and came up with Exhibit-380.)

(2) A. This, uh-huh.)

(3) Q. So could you identify what Exhibit-380 is?)

(4) A. 380 is, I think it's a four-page summary)

(5) of the BETF proposal that we used as a handout when we)

(6) went out to talk to people about what we were)

(7) proposing.)

(8) Q. Just out of curiosity, why is the link)

(9) titled "best summary"?)

(10) A. Because it was the best summary.)

(11) Q. Of the task force proposal?)

(12) A. Of the task force report. The task force)

(13) report is half an inch thick. This is four pages.)

(14) Q. Exhibit-380?)

(15) A. 380. It gives you the sense of what at)

(16) least the legislative group saw as the essence of the)

(17) proposal in a customer-friendly way.)

(18) Q. The legislative group is the same group of)

(19) six legislators?)

(20) A. The six.)

(21) Q. That wrote Exhibit-367?)

(22) A. Yes.)

(23) Q. If I can ask you to focus on Exhibit-380)

(24) for a few seconds here, in the first paragraph where it)

(25) talks about, "the opportunity provided by Washington's)



1) public schools for all students to meet the established  
2) student learning goals," do you see that?

3) A. Uh-huh.

4) Q. What are you referring to here when you're  
5) talking about the established student learning goals?

6) A. House Bill 1209.

7) Q. That's those four numbers providing the  
8) read with comprehension, write with skill, know and  
9) apply core concepts of math, science, et cetera?

10) A. Right.

11) Q. Does that also encompass the essential  
12) academic learning requirements?

13) A. Yes, at least in my mind.

14) Q. Did you ever hear anything different from  
15) the other authors of Exhibit-380?

16) A. No.

17) Q. I'm going to ask you to turn to the second  
18) page of Exhibit-380, top paragraph under "Addressing  
19) the Achievement Gap," it states, "One of the most  
20) pernicious failings in education is the divergence in  
21) educational attainment between children of modest means  
22) and those with more money." Do you see that?

23) A. Uh-huh, yes.

24) Q. What do you mean by that and why is it  
25) pernicious?

1 (A.) (There's a line that's used very frequently)  
2 in education that you can predict the outcome, the  
3 educational outcomes by looking at the zip code of  
4 where a kid is born, and that's a shorthand way of  
5 saying that income is closely related to educational  
6 outcomes. We felt that was pernicious because we think  
7 it undermines the meritocracy that we like to think  
8 that we have in this country and it creates a permanent  
9 underclass that destabilizes the community.

10 (Q.) (When you say a "meritocracy," what do you  
11 mean?)

12 (A.) (That everyone should have the opportunity  
13 to be able to do the best that they can, to reach, you  
14 know, to just achieve as much as they can.)

15 (Q.) (When you say "opportunity" in this  
16 deposition, do you mean a realistic or an effective  
17 opportunity?)

18 (A.) (Realistic, right.)

19 (Q.) (And when you say it's destabilizing if you  
20 have a permanent underclass or to determine educational  
21 outcome by zip code, what do you mean by destabilizing?)

22 (A.) (When there are great differences between  
23 the haves and the have-nots, at least in my mind, in my  
24 experience, in my reading of history, you tend to get  
25 into situations where there become conflicts which can

1) (be either violent or just organizational that make it a  
2) less pleasant place to be.)

3) Q.) When you are talking about the  
4) meritocracy, does it have an effect on democracy to  
5) have these achievement gaps perpetuated?

6) A.) I think so.

7) Q.) What effect is that?

8) A.) I think you get people who are making  
9) decisions about public policy who aren't as aware of  
10) what the implications of those decisions are.)

11) Q.) The next paragraph where it notes that,  
12) "Research from Washington Learns leads us to believe  
13) that using poverty as a predictor works well in  
14) predicting the level of resources the school will  
15) need." Do you see that?

16) A.) Yes.

17) Q.) What are you referring to with respect to  
18) the level of resources a school will need, a school  
19) will need to do what?

20) A.) Our conclusion from the research was that  
21) students from lower income families, that remediating  
22) those students is best done by having smaller class  
23) sizes, more one-on-one, more programs in terms of extra  
24) time in the seventh period of the day that is funded  
25) out of LAP type funding, summer school, all of those

(1) kinds of things, that getting those kids to the point  
(2) where they have the same opportunity that kids from  
(3) middle class families do is essentially an exercise in  
(4) time.

(5) Q. And sometime translates into the resources  
(6) that the school needs?

(7) A. Yes.

(8) Q. When you referred to research from  
(9) Washington Learns, was that the Washington Learns study  
(10) that preceded the Basic Ed Task Force study?

(11) A. Yes.

(12) Q. Is this conclusion that schools need more  
(13) resources to bring kids in poverty up to state  
(14) standards, something was based on research and evidence  
(15) you heard on the Basic Ed Task Force as well?

(16) A. Yes.

(17) Q. If I can ask you to turn to the right-hand  
(18) column, the bottom of that same page of Exhibit-380, it  
(19) talks about "Fixing Stupid Problems." Do you see that?

(20) A. Yes.

21 Q. A heading I love.

22 First bullet refers to, "Grandfathered  
23 salary differences. Some districts receive up to 5  
24 percent more salary, or thousands of dollars per  
25 teacher, than others." Do you see that?

1 they stopped at a particular point and left those  
2 grandfathered salaries there.

3 We felt there was no logic in that for the  
4 budget process and so we proposed that there be a  
5 single levy of 35 percent that everybody would be able  
6 to have and we proposed that the grandfathering be  
7 taken care of as part of the reform of the compensation  
8 system and so that in the end every teacher with the  
9 same characteristics, experience, training would be  
10 paid the same amount, plus adjustment for cost of  
11 living.

12 Q. Again, when you're referring to cost of  
13 living there, you're referring to regional cost of  
14 living?

15 A. Yes, not 732.

16 Q. Cost of living like inflation increases?

17 A. Yes.

18 Q. Another stupid problem, "Differential  
19 reimbursement for administrative and classified staff  
20 based on practice over a quarter century ago," what's  
21 that referring to?

22 A. We allocate I think 35 or 40 thousand,  
23 somewhere in that range, for principals and admins, and  
24 no principal or admin is paid that little.

25 Q. When you say "We allocate," you mean the

1) state funds?

2) A. The state funds, I'm not sure about the  
3) number, but \$40,000, just to make a number, and  
4) principals are typically paid in the 80, 90, 100  
5) thousand dollar level. Administrators are paid in the  
6) 60, 70 dollar level. So the differential between that  
7) has to come out of your local levy.

8) Q. Based on your experience on the  
9) legislature's Education Committee and the Basic Ed Task  
10) Force, is it accurate to say that the state funding for  
11) principals and superintendents is not the actual cost a  
12) school district has to pay to get principals and  
13) superintendents?

14) A. No, it's not. No.

15) Q. If I can ask you to turn to the next page,  
16) of Exhibit-380, please, under Resources, it says, "This  
17) proposal will require significant new resources. "This  
18) proposal" being 5444?

19) A. Yes. Well, being the -- this refers  
20) specifically to the BETF report, not to the bill, but  
21) yes.

22) Q. So when it's saying, "This proposal will  
23) require significant new resources," that's the Basic Ed  
24) Task Force proposal?

25) A. I'm sorry, say again?

1 Q. When it says, "This proposal will require  
2 significant new resources," that's the Basic Ed Task  
3 Force proposal?

4 A. Yes.

5 Q. Then when it says, "The constitutional  
6 mandate for ample provision should drive the debate on  
7 the level of resources provided," do you see that?

8 A. Yes.

9 Q. What's that sentence mean?

10 A. Our opinion is that one of the political  
11 drivers for any discussion of what adequate funding is  
12 should be the value that we've set in the constitution.

13 Q. And when you say "value that we've set in  
14 the constitution," what do you mean by that?

15 A. Exactly that phrase, the ample funding.

16 Q. And to you, what does ample funding mean?

17 A. To me?

18 Q. Yes. What does ample mean to you?

19 A. Ample means to me at a minimum what we  
20 proposed in the BETF task force.

21 Q. And the last sentence on this page 3  
22 states, "Ideally we would return K-12 funding to its  
23 historical 50 percent of the state general fund, rather  
24 than the current 30 to 40 percent." Do you see that?

25 A. Yes.

1 oversight because the number I don't think has ever  
2 been below 40 percent. I might be wrong about that.

3 Q. My recollection it was like 41, somewhere  
4 around in there.

5 A. Yeah.

6 Q. If I can ask you to turn to the last page  
7 of Exhibit-380, is this chart basically the same, a  
8 summary of the same prototype school model that's in  
9 the Basic Ed Task Force report?

10 A. Yes. We created this so we could have  
11 something when we went out and talked to audiences that  
12 we could point to and show what the data elements were  
13 in a way that they could understand it, which is not  
14 the way bills are written. The report has basically  
15 this same thing in it.

16 Q. When you say "the report," you mean the  
17 Basic Ed Task Force report?

18 A. The 177 has this data in it. It's just  
19 not in as user a friendly a way. This was something  
20 that we could actually hand out when we were in a high  
21 school gymnasium and have people --

22 Q. Understand it?

23 A. -- understand it.

24 Q. If I can ask you to now go back to

25 Exhibit-379, that's how we got onto 380.



1 A. Uh-huh.

2 Q. Several paragraphs down, where it says,  
3 "We believe," then it states, "We have reduced funding  
4 for education in this state consistently for 25 years;  
5 we've gone from the top of the nation to the bottom of  
6 the nation in funding, both on a per student basis and  
7 teacher compensation." Do you see that?

8 A. Uh-huh.

9 Q. Is that true?

10 A. I believe it to be true.

11 Q. You then go on to say, "We need to reverse  
12 that. We think holding the legislature accountable is  
13 a necessary part of that." Do you see that?

14 A. Yes.

15 Q. Is 5444 or legislation like that what you  
16 had in mind with respect to holding the legislature  
17 accountable?

18 A. What I had in mind in that specific phrase  
19 was the prototype school model and the single subject  
20 bill requirement.

21 Q. That's what we talked about earlier?

22 A. Yes.

23 Q. For example, if the legislature wants to  
24 change the number of learning improvement days from ten  
25 to two, it has to vote on that specifically as opposed

1 to bury it in the omnibus budget bill?

2 A. Yes.

3 Q. If I ask you to go to the next page of  
4 Exhibit-379, please, in the top paragraph it refers to  
5 "consistently reduced investment in education for  
6 decades. And this year will be brutal." Do you see  
7 that?

8 A. Yes.

9 Q. Was this year brutal for education?

10 A. Not as bad as I had anticipated.

11 Q. What did you anticipate when you were  
12 saying "brutal"?

13 A. I was expecting that what happened to  
14 higher education would be what would happen to K-12 and  
15 what would happen to higher education would be worse  
16 than it was.

17 Q. Why do you think it was less brutal than  
18 you were at least at this point anticipating?

19 A. Principally because the federal government  
20 decided to provide us with about three and a half  
21 billion dollars of stimulus money, so that in the end  
22 we didn't have to cut nine billion, we only had to cut  
23 about four, four and a half billion. And then  
24 secondly, we were able to generate additional money for  
25 higher education through tuition increases, which were

1 higher than I had anticipated were going to be  
2 politically palatable.

3 And the combination of those two allowed  
4 us to reduce the impact on K-12 to something on the  
5 neighborhood of 2 and a half to 3 percent, and to  
6 higher education to something in the neighborhood of 5  
7 to 7 percent, beginning on the institution when you  
8 take into account all of the changes, the stimulus  
9 package, the tuition, et cetera, and when I wrote this,  
10 I did not believe we were going to be able to do that.

11 Q. And the stimulus money that you're  
12 referring to provided about how many billion to the  
13 state?

14 A. My memory it was three and a half billion.

15 Q. And is that a continuous flow of money or  
16 does it have an end to it?

17 A. No, it has a cliff.

18 Q. Okay. When does the cliff arrive?

19 A. Next biennium.

20 Q. Stimulus money pays for the 2009-2011  
21 biennium?

22 A. Yes.

23 Q. And then it's gone?

24 A. Yes.

25 Q. Now, the budget that ended up passing this

1 year, did K-12 education take a hit?

2 A. Yes.

3 Q. Did it take a significant hit?

4 A. No.

5 Q. And how much of a hit do you think K-12  
6 education took, round numbers?

7 A. 3 percent, 2 and a half to 3 percent.

8 Q. 2 and a half to 3 percent. What happened  
9 to the Initiative 728 money?

10 A. That's part of that.

11 Q. Part of the cut?

12 A. Yes.

13 Q. What did the Initiative 728 money do?

14 A. It was for class size reduction.

15 Q. What about the Initiative 732 money, what  
16 happened to that?

17 A. That was part of it.

18 Q. Part of the cuts?

19 A. Part of the cuts.

20 Q. What's the initiative 732 money?

21 A. The cost of living adjustment for  
22 inflation.

23 Q. If I can ask you to turn to five  
24 paragraphs down, it starts "Fred's comments"?

25 A. Uh-huh.

1 Q. It says, "We propose and the "we" there is  
2 the legislators the Basic Ed Task Force?

3 A. I believe that's the Basic Ed Task Force,  
4 yes.

5 Q. "We propose pay increases in the  
6 neighborhood of 20 percent, increased staffing, lower  
7 class size, additional resources for technology,  
8 teaching materials and supplies, and higher funding for  
9 the kids you specifically mention." Do you see that?

10 A. Uh-huh.

11 Q. "The kids you specifically mention," is  
12 that the kids mentioned by the constituents in the  
13 paragraph before that?

14 A. Yes, at risk kids.

15 Q. Then goes on to say, "Our bill proposes  
16 \$11 billion, phased in over six years." Do you see  
17 that?

18 A. Uh-huh.

19 Q. Is the bill you're referring to 5444?

20 A. Yes.

21 Q. And the six-year phase-in period, what  
22 years does that cover?

23 A. It was through 2016.

24 Q. So it's to start in 2011, 2010 and go to  
25 2016?

1           A.    The motion was we would begin phasing in  
2   the higher number in the 2011-'12 school year and we  
3   would complete the phasing in in the 2016-'17 school  
4   year.

5           Q.    Then the next paragraph where you go on,  
6   "Before you dismiss," that's referring to the  
7   constituents, "remember this year Washington state will  
8   invest \$4 billion in transportation investments, the  
9   largest construction program of any state in the  
10   nation." Do you see that?

11          A.    Yes.

12          Q.    What was the relevance or the reason for  
13   noting the large transportation investment and largest  
14   construction program that our state has?

15          A.    States don't turn on a dime. The point  
16   behind this was that in 1998 through 2000, there was a  
17   group called the Blue Ribbon Commission and the Blue  
18   Ribbon Commission came up with a series of  
19   recommendations about how to reform the transportation  
20   structure and funding, and over the next five years, we  
21   enacted virtually everything that was in that study,  
22   the recommendations of that study. People will quibble  
23   about it, but fundamentally, pretty close, including  
24   raising the gas tax to 15 cents from where it was at  
25   the beginning. And as a consequence of that, in this

(1) biennium, we're going to do, what did I say here, \$5)  
(2) billion, 4 billion, whatever it is, we're going to  
(3) invest in our transportation system quite a lot of  
(4) money.)

(5) My point was that just as that's the plan  
(6) and it was executed by the legislature, that the  
(7) legislature has gone through the same process with the  
(8) BETF report and the BETF report says the same thing to  
(9) education, that the Blue Ribbon Commission on  
(10) transportation said about transportation, that you need  
(11) to reform processes and structures as well as investing  
(12) more money, and that my belief was when I wrote this,  
(13) my belief is today that that's going to happen.

(14) Q. I will flaunt my ignorance on the Blue  
(15) Ribbon Commission you're talking about. Was part of  
(16) the recommendations they had recommendation for raising  
(17) the revenues that would need to fund the projects?

(18) A. Yes.

(19) Q. Is part of the Basic Ed Task Force  
(20) recommendations how you raise the revenues to fund the  
(21) what you note as the 11 billion increase in cost for  
(22) education?

(23) A. Yes.

(24) Q. What are the revenue increases proposed by  
(25) the Basic Ed Task Force?

1 (A.) What the Basic Ed Task Force said -- well,  
2 let me back up. So for individuals like me on the  
3 committee, we sat back and said do we think there's a  
4 reasonable way to be able to finance these  
5 improvements? The answer that I came to was yes, and  
6 since I came to the answer yes during the BETF process,  
7 I have become more convinced that it's not a problem,  
8 but we have to outline exactly how to go about doing  
9 it.

10 (We felt that since a certain amount, we  
11 could quibble about exactly how much, but a significant  
12 amount of the money has to come out of the growth of  
13 the economy, that the priority was to get the prototype  
14 school model in place so we could begin to drive that.)  
15 (So the priority in this is to set up the new financing  
16 system around what the structure of the prototype  
17 school is.)

18 (The report or at least the bill actually  
19 says one of the things that needs to happen is that we  
20 need to have a working group go out and work through  
21 the details of that, and I think that's a piece of  
22 follow-on work. The bill that we passed I would argue  
23 is the most significant reform that we've had in  
24 education in 30 years. I think you could actually make  
25 a case that it's longer than that, but at least 30)



1) years.

2) It doesn't finish the work. It just  
3) enables a lot more work to be done that if we didn't  
4) make the decisions in the bill that we made would not  
5) happen, it wouldn't be relevant work. And so the work  
6) of the state board, the work of the PESB, the  
7) Professional Education Standards Board, the work of OFM  
8) and OSPI in terms of financing and the like, that's all  
9) stuff that needs to happen, but I have no concern that  
10) there's a conceptual problem or a practical problem  
11) with generating the revenues that are necessary.

12) Q. Okay. When you were referring to the  
13) bill, at least the latter part of your answer, you are  
14) talking about 2261?

15) A. 2261.

16) Q. As opposed to 5444?

17) A. Yeah.

18) Q. All right. When you say you've concluded  
19) it's not a problem, is the "it" that's not a problem  
20) raising the \$11 billion that's proposed for the basic  
21) education reforms?

22) A. Yes.

23) Q. And the \$11 billion, is that \$11 billion a  
24) biennium?

25) A. No, it's a year.

1 Q. \$11 billion per year?

2 A. Yes.

3 Q. But that's total as opposed to an \$11  
4 billion increase? I'm trying to get a handle on what  
5 the \$11 billion is.

6 A. The numbers, the rough numbers, there's  
7 two problems. First of all, we don't know what the  
8 number is. We haven't finished the work that is what  
9 the Quality Education Council is supposed to be doing  
10 over the next year, is figuring out exactly what that  
11 number is, what the numbers in the prototype school  
12 should be and how they should be phased in.

13 Q. (If I could interrupt for a second. Is it  
14 accurate to say that at least with respect to the Basic  
15 Ed Task Force's report, the estimate of the numbers  
16 were somewhere between I think it was like 6 and 11,  
17 billion per biennium in increased funding?)

18 A. I believe that's correct, yeah.

19 Q. Okay.

20 A. It's in that ballpark at least.

21 Q. (And then the working groups that you're  
22 talking about now under 2261 are doing more studies and  
23 research on what the costs should be?)

24 A. (So one of the reasons for the range of  
25 numbers was it depends on a number of assumptions that

1 you make and we in my opinion did not think through  
2 those assumptions in adequate detail to be able to say  
3 this is what specifically the legislature needs to  
4 implement.

5 What we talked about is in concept,  
6 conceptually, the prototype school model is the way  
7 that you need to do this. Conceptually here are the  
8 numbers that we've come up with that you can work  
9 with. Conceptually we agree that there should be an  
10 increase in teacher compensation and in cost of  
11 living. But buried at least in that last one, just as  
12 an example, is a question of how long teachers work.  
13 Do you pay them for a nine-month year or 12-month  
14 year? That has a big impact on what you decide the  
15 compensation increase is.

16 So those are the details that you don't  
17 work through in a conceptual design and I think of this  
18 as a conceptual design. You now move to the next  
19 phase, which is actually figuring out what the details  
20 are. And the details, you know, will come up with a  
21 number, of which that's part of the reason for the  
22 range.

23 Q. When you say this is a conceptual design,  
24 you mean the Basic Ed Task Force?

25 A. Basic Ed Task Force report is a conceptual

1) design.

2) Q. And does or did 5444 provide a conceptual  
3) design as well?

4) A. Yes.

5) Q. And does 2261 provide a conceptual design  
6) as well?

7) A. Yes.

8) Q. Okay.

9) (Brief recess.)

10) (Exhibit-381 marked.)

11) Q. Would you identify what Exhibit-381 is,  
12) please?

13) A. This is another ed reform in Washington,  
14) piece, I believe.

15) Q. From your state Senate website?

16) A. From my website, yes.

17) Q. If I understand this correctly, this is an  
18) email that some constituents sent you?

19) A. Yes.

20) Q. That's the regular font, and then the bold  
21) font is your responses or comments, correct?

22) A. Yes.

23) Q. And the first paragraph your constituents'  
24) email here refers to 103 studies. Do you see that?

25) A. Yes.

1 Q. Do you understand what the reference to  
2 103 studies is?

3 A. Yes.

4 Q. What is that?

5 A. I can't quote the number. I mean, I can't  
6 attest to the number, but there have been a lot of  
7 studies of education over the last decades, and there  
8 are legislators who claim to have copies of each one of  
9 them and usually talk about them in 13 feet high or 15  
10 feet high, but often in terms of the numbers, and 103  
11 is an emblematic number. Whether it's accurate or not,  
12 I can't tell you.

13 Q. Would it be accurate to say that the issue  
14 of education finance and what it actually takes to  
15 provide the education that the state should be  
16 providing has been studied to death?

17 MR. CLARK: Objection, it would be  
18 argumentative to say it. Object to form, you can  
19 answer it.

20 A. No, I don't think it's true.

21 Q. It's been studied extensively?

22 A. It's not dead. It still seems to raise  
23 its ugly head.

24 Q. Has it been studied extensive over the  
25 last 30 years?

1           A.    (Oh, yes.)

2           Q.    (And the Basic Ed Task Force report study  
3 is the most recent of those 30 years of studies; is  
4 that correct?)

5           A.    (Yeah, I believe that's correct. And what  
6 I would argue is that, pick Washington Learns for a  
7 minute, Washington Learns didn't really come to any  
8 conclusions because Washington Learns was a process  
9 that brought a lot of people closer to what we actually  
10 came to in the BETF. And so in my way of thinking  
11 about these things, it's all about a process. And  
12 there isn't an ultimate destination, there isn't an  
13 interim destination. It's about a process. And this  
14 is I think one of the more significant points in that  
15 process.)

16          Q.    (When you're saying "this," you're talking  
17 about the Basic Ed Task Force report is one of the more  
18 significant points in the process?)

19          A.    (I'd go further than that. I'd say this  
20 year, beginning with the publication of that report and  
21 ending with the end of the legislative session, has  
22 been one of the most important.)

23          Q.    (Summarize for me why you think it's one of  
24 the most important.)

25          A.    (I think we've have adopted a state policy,

*Handwritten note:* Exhibit 198

*Handwritten notes:* 777  
Document 198  
Petitioner's D. What is the other?

1 a conceptual design for a new basic education system  
2 for the state, and that's an absolute need before you  
3 can actually go out and fill in the details to create  
4 it. But it's not done. I mean, I would be the last  
5 one to say it's done, but this was a necessary --

6 Q. Step in the process?

7 A. -- step in that process.

8 Q. Looking at Exhibit-381, counting five

9 paragraphs down, after "Fred's comment," "Today, the  
10 state funds five periods. We wanted to fund seven, but  
11 found the cost too high a hurdle to overcome." Do you  
12 see that?

Resp. objects - hearsay; relevance; lack of  
foundation; ER 602; ER 701.

13 A. Uh-huh.

14 Q. What are you referring to when you say you  
15 found the cost too high a hurdle to overcome?

16 A. The major cost drivers of the system are  
17 the number of periods that you fund and the number of  
18 days that you fund, and what we were trying to do was,  
19 what our optimal solution would have been is to fund a  
20 seven-period day, which is what I say here.

21 Q. When you say "fund," you mean the state  
22 funds?

23 A. The state would fund a seven-period day,  
24 and that we would fund a 210-day year. The question,  
25 when we did that, what we found was that the numbers

Petitioners respond that: (1) foundation: Senator Jarrett identified Trial Exhibit 198 and stated that it is posted on his official Senate website (111:11-16); (2) hearsay: Trial Exhibit 198 is posted and maintained on Senator Jarrett's Senate website, and it qualifies for admission under the business record and public record hearsay exceptions; (3) 602/701: Senator Jarrett has the requisite knowledge and experience to testify about his understanding of the legislature's decision not to fund certain components of education; (4) relevance: the history of State underfunding and the reasons for it are relevant to this case.

(1) were just beyond what we could imagine the public being  
(2) willing to fund.)

3 Q. When you say "numbers," you mean the  
4 dollar numbers?

5 A. Dollar numbers, yeah.

6 And so what we did, we said okay, well,  
7 let's think about this. And we went back to what the  
8 definition that we thought was appropriate for basic  
9 education. What we concluded was that the meaningful  
10 high school diploma based on core 24 required six  
11 periods and we concluded that we wanted to have 10  
12 learning improvement days, which took you from a 180 to  
13 190-day school year, but it also opened up a lot of  
14 days that currently are taken away from learning in the  
15 180. And we concluded that if we could do that, we  
16 would fund what was a basic education system and -- let  
17 me back up one second.

18 The one problem with that is if a kid  
19 fails a class in high school, they can't graduate on  
20 time. So what we said was that there are alternative  
21 ways of solving that problem, and the free and reduced  
22 lunch funding, the ELL funding were central to that  
23 question.

24 Q. If I can interrupt, when you say the free  
25 and reduced funding, you mean the LAP funding that's



1 encourage, and I believe that a seven-period day is an  
2 important thing for a school to have but it isn't  
3 necessarily what a basic education program is. Basic  
4 education doesn't mean Lakeside.

5 Q. I don't want to cut you off. So we're  
6 set.

7 A. That's it. I mean, my pauses are so long  
8 that you don't know whether I've stopped.

9 Q. I am eminently courteous.

10 Third to the last paragraph where you  
11 note, "It is important to note in this context, as well  
12 as the levy discussion below, that the proposal intends  
13 to 'buy-back' the TRI pay currently funded locally."  
14 Do you see that?

15 A. Uh-huh.

16 Q. That's this whole TRI and local levies  
17 funding the amount of salary increases that are needed  
18 to make salaries competitive; is that what you're  
19 talking about there?

20 A. No.

21 Q. What is that?

22 A. What we're talking about, the TRI is the  
23 cost of living adjustment for the difference between  
24 Moses Lake and Bellevue.

25 Q. The regional cost of living adjustment?

1 A. Yes.

2 Q. So the proposal that's being referenced in  
3 Exhibit-381, that's the Basic Ed Task Force proposal as  
4 well as at that point 5444?

5 A. Uh-huh.

6 Q. And does 2261 buy back TRI pay that's  
7 currently funded locally?

8 A. What 2261 does is it sets up a working  
9 group to work through the compensation issues. And  
10 because of the opposition of the WEA and questions that  
11 were raised by others about whether or not we had all  
12 of the details straight, specifically that I described  
13 earlier that we have the student, resident,  
14 professional, master, there were questions about  
15 whether we had thought through all of the details of  
16 that adequately. And we agreed, I agreed at least,  
17 that yeah, there's reason to think that we need to  
18 spend a little bit more time on that.

19 So understanding exactly how the PESB,  
20 Professional Education Standards Board, was going to  
21 reform the certification process and getting a better  
22 grasp of how we can reform the compensation system in a  
23 way that is acceptable or that is appropriate and  
24 credible to the profession is a step that still has to  
25 be completed. That's one of the work groups.)

1 Q. One of the work groups would then be  
2 studying this issue under 2261?

3 A. Yes.

4 Q. And making recommendations?

5 A. Yes.

6 Q. That same paragraph where it says,  
7 "Second, we added 10 LID days to state funding," do  
8 you see that?

9 A. Yes.

10 Q. And the "we" there is the Basic Ed Task  
11 Force proposal; is that correct?

12 A. Yes.

13 Q. And is that also, this adding 10 LID days,  
14 is that also part of 5444?

15 A. I can't remember.

16 Q. Okay, and the LID days we're talking  
17 about, those are the learning improvement days that we  
18 talked about earlier?

19 A. Yes.

20 Q. The Basic Ed Task Force, that was the  
21 chart where it's 10 across the board?

22 A. Yes.

23 Q. Does 2261 add 10 learning improvement days  
24 to state funding?

25 A. No.

(1) Q. The bottom of Exhibit-381, you have a  
(2) sentence, "Until the state reaches the middle of the  
(3) pack, world class will continue to be a local  
(4) extension." Do you see that?

(5) A. Yes.

(6) Q. What do you mean by that?

(7) A. Just as a reference to the discussion that  
(8) we had earlier about where the state ranks in terms of  
(9) other states. Currently we are in the 40s depending on  
(10) exactly which measure you use, anywhere from like 43 to  
(11) 47, something like that.)

(12) Q. The 40s being near the bottom as opposed  
(13) to the top?

(14) A. The bottom, yes, yes, as opposed to where  
(15) we were 30 years ago, where we were in the top ten.  
(16) What this refers to is that until the state is able to  
(17) get to what we've proposed, which we think gets us up  
(18) to about the middle 20s, middle of the pack, then if  
(19) you want to be world class, which is beyond what even a  
(20) Wyoming or a New Jersey is, then that's going to have  
(21) to be local extension, that's going have to be funded  
(22) locally. So what it says, to say it a different way,  
(23) basic education isn't world class. Basic education is  
(24) basic education.)

(25) Q. (Under the current system or under the)

(1) proposed system?

(2) A. The proposed system, either, both.

(3) Q. And on one of your electronic postings as  
(4) well, I don't need to make it an exhibit, I'll just go  
(5) ahead and show you what I'm talking about, you make a  
(6) comment about, "Quality education for the children of  
(7) Washington state is not only the state's paramount  
(8) duty, but the key investment in our future. As James  
(9) Baldwin said, 'For these are all our children, we will  
(10) profit by or pay for what they become.'"

(11) A. Uh-huh.

(12) Q. To you, what relevance is that James  
(13) Baldwin quote to education and the funding that the  
(14) state provides for education?

(15) A. Education is the only shared social  
(16) experience that we have in this country, I think, and  
(17) it is the way that we pass on the shared values that we  
(18) have as a culture, and part of that is the way we teach  
(19) social studies, the part of the values we teach through  
(20) having kids line up in kindergarten, know how to stand  
(21) in line patiently. To the extent that we skimp on  
(22) that, I think we skimp on the capabilities of kids that  
(23) we expect to take care of us when we need Social  
(24) Security.

(25) Q. Is part of that also then skimping on

(1) things like the democratic fabric?)

(2) A. Absolutely, uh-huh.)

3 Q. I've noticed on some of these comments to  
4 the press there's also comments about how we need to  
5 improve education in the state to provide Boeing with  
6 skilled workers and that being a top priority. Is  
7 there an economic reason for why we will profit or pay  
8 by what they become with respect to educating our kids?

9 A. So the first reason that you have  
10 education in my mind is so that kids can be successful  
11 and feed themselves, and that means they have to be  
12 able to get a job and they have to be able to work, and  
13 then you want to get further. You want them to get  
14 better jobs and do more valuable work, and then you  
15 want them to have fulfilled lives. So yeah, all of  
16 that is true.

17 Boeing is a high tech company that is, as  
18 we know, pushing aerospace technology further than  
19 anyone else in the world is right now with the 787. If  
20 we want to keep them here, if we want to have that  
21 opportunity for our kids, we have to prepare our kids  
22 to be competitive in that industry. Ross is going to  
23 say the exact same thing about Microsoft. Skip can say  
24 it about Weyerhaeuser. Every company has a need for a  
25 workforce.

1                   One of my factoids that I use a lot is  
2                   that we have the largest number of engineers in  
3                   Washington per thousand population of any state in the  
4                   United States and we produce almost at the bottom, I  
5                   think we're 48th in the number of baccalaureate degrees  
6                   that are produced in the state per thousand  
7                   population. That just seems to be backwards to me.

8                   Q.    From where you sit, based on your work on  
9                   the Education Committees and the Basic Ed Task Force,  
10                  do you believe that providing a better educated  
11                  workforce is important to the state's economy?

12                 A.    Yes.

13                 Q.    If I can ask you to look at another one of  
14                  the exhibits that was marked this morning,  
15                  Exhibit-371. Could you identify what that is?

16                 A.    It's House Bill 2261.

17                 Q.    This is the 2261 we were talking about  
18                  earlier, correct?

19                 A.    Yes.

20                 Q.    Could you identify in what ways, if any,  
21                  you believe that 2261 differs from, for example, Senate  
22                  Bill 5444? I can rephrase it another way. Are there  
23                  any significant differences between 2261 and 5444 in  
24                  your mind?

25                 A.    This one is only 65 pages long and the

1) other one was 111.

2) Q. You're using a little less paper, killing  
3) a few less trees.

4) A. So the difference between 5444 and 2261 is  
5) that 5444 was essentially the whole. It was everything  
6) we wanted out of the report, and it ran into a buzz saw  
7) of opposition from the WEA specifically. So what we  
8) did was we killed 1410 and 5444, and in the Senate  
9) because I was so visible in it, we asked Eric Oemig to  
10) sponsor what we called the title only bill and we spent  
11) most of the rest of the session trying to find what we  
12) could get support for to be able to get through the  
13) legislature.

14) Our goal was to be able to get WEA engaged  
15) in the process and have a product that they would be  
16) willing to support or at least be neutral about. We  
17) failed at that. They never engaged in that  
18) discussion. What happened was that we were able to  
19) bring the rest of the education community along on a  
20) number of things.

21) An example I gave earlier is probably one  
22) of the better ones. Why we didn't actually implement  
23) the compensation system the way that we would have  
24) proposed to do was because people pushed back on us and  
25) said you guys haven't thought it through as well as you



1) think you have, and we came to the agreement that that  
2) was the position that we agreed with them, we thought  
3) they were right.)

4) So our approach was to say what are the  
5) really salient things you need to be able to do to move  
6) forward and what we thought was that the most important  
7) one was to get the agreement that we could have the  
8) prototype school model, because that would provide the  
9) accountability that was necessary to be able to fully  
10) fund education, at least the way we felt should be  
11) funded.)

12) Secondly, we felt it was important to make  
13) a clean break and say that we are going down a  
14) different path here. This is not the old Doran-based  
15) funding system.)

16) Q. By the old Doran funding system, do you  
17) mean the basic education programs such as basic ed  
18) allocation, formulas?

19) A. Formulas, yeah.)

20) And so making a number of statements such  
21) as the meaningful high school diploma and 24 credits,  
22) the notion of what we wanted in a compensation system,  
23) we wanted a new compensation system, that we wanted a  
24) new licensure system. All of those were important  
25) statements validating the work that was being done by)

1 the PESB and the State Board of Education, not changing  
2 it, not sending them in a different direction, but  
3 essentially giving them support to be able to  
4 accomplish what they were already on the way to  
5 accomplishing. Then to augment that with some  
6 additional work around compensation and around the  
7 actual phasing of any implementation.)

8 I just -- I'll tell you the same thing I  
9 tell most people, it's the greatest legislative  
10 accomplishment of my career to be a part of that.)

11 Q. Sitting here today, what do you foresee is  
12 going to be the outcome of 2261?

13 A. I think we're going to implement the  
14 recommendations of the Basic Ed Task Force. Will it  
15 evolve? Yeah, I'm sure it will.)

16 Q. I'm sorry, what?)

17 A. Will it evolve? I'm sure it will. I  
18 think you'll see within a couple of years, in two  
19 years, in the next biennium, you'll see a budget that  
20 is driven by a prototype school model, not by ratios,  
21 and I think you will see a phasing plan that will be a  
22 lot harder for the legislature to get out of, and in  
23 two ways. One is that the phasing plan will have to  
24 say what that number is, maybe not specifically, but in  
25 terms of the resources, here's what the class size

1) should be, and that's going to give people who are  
2) interested in education an opportunity to be able to  
3) evaluate whether their legislators are implementing the  
4) values that they have for education. I think that  
5) single thing will have more impact than any  
6) constitutional provision.)

7 Q. The next exhibit, I'm sorry, there's one  
8 more. Next exhibit, Exhibit-372, can you identify what  
9 that is?

10 A. It looks to me it's like the veto message  
11 from the governor.

12 Q. The governor vetoed two sections of 2261,  
13 correct?

14 A. Yes.

15 Q. Do you believe either of those sections  
16 are significant sections in 2261?

17 A. Well, yes and no. 709 --

18 Q. When you say 709?

19 A. Section 709 was an artifact of the design  
20 of the gifted program and the fact that it was modeled  
21 after the special education program. To my memory, we  
22 never thought very hard about the safety net  
23 provisions. It just sort of, it sort of was there. I  
24 don't think the safety net provisions are ready for  
25 prime time in any event, so losing them is not a bad

1 had a deposition this afternoon and whining about it?

2 I'm sure appropriately so.

3 Q. Do you have an understanding about what  
4 the lawsuit that this deposition is in, what that  
5 lawsuit is about?

6 A. Yes.

7 Q. What is that understanding?

8 MR. CLARK: I will caution you that to the  
9 extent your understanding comes from your conversations  
10 with counsel, whether me, Mr. Lovinger or other legal  
11 counsel, you shouldn't be revealing that, but if your  
12 understanding comes from other sources, that's  
13 discoverable.

14 A. What I know about it comes from what I  
15 learned, essentially briefings that we've had over the  
16 last I guess year or so and discussions that I've had  
17 with superintendents who are your clients about what  
18 the goal is. What I understand it to be is essentially  
19 to demonstrate that the current funding didn't meet the  
20 constitutional test of ample funding.

21 Q. Do you believe that the current state  
22 funding system amply provides for education under the  
23 constitution?

24 MR. CLARK: Object to the form of the  
25 question. Clearly calls for a legal conclusion.

(1) (A.) I can't -- you know, that's what you guys  
(2) are trying to figure out. From my standpoint as a  
(3) candidate who has run for office, someone who has  
(4) served in the legislature, I think my record and what I  
(5) have on paper tells you that I don't think so. But  
(6) that's not a constitutional opinion. That's a parent's  
(7) opinion and a politician's opinion.)

(8) (Q.) Is that a legislator who has served on)  
(9) Education Committees for six, seven --)

(10) (A.) Nine.)

(11) (Q.) Nine years and the Basic Ed Task Force?)

(12) (A.) Yeah.)

(13) (Q.) I don't have anything else.)

(14) (A.) I think that's why we passed this bill.)

(15) (Q.) "This bill" being 2261?)

(16) (A.) 2261. It's because we believed that, we  
(17) believed that we need to have a better education system  
(18) and that's why we're -- I mean, that's why I've put the  
(19) time into it that I've put into it. That's why I've  
(20) said earlier, of my nine years in the legislative, that  
(21) bill is the thing I'll be proudest of when I leave.  
(22) It's not my bill. It took a lot of people to do it and  
(23) just to be able to be one of the people who was engaged  
(24) in doing that, I will be very proud of.)

25 MR. AHEARNE: Thank you very much.