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STATE OF WASHINGTON
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No. 101052-4

SUPREME COURT OF THE STATE OF WASHINGTON

WAHKIAKUM SCHOOL DISTRICT NO. 200

Appellant,

v.

STATE OF WASHINGTON,

Respondent.

**WAHKIAKUM SCHOOL DISTRICT'S
RESPONSE TO THE STATE'S
FRIDAY AFTERNOON "NOTICE" FILING**

Thomas F. Ahearne, WSBA No. 14844
Bianca G. Chamusco, WSBA No. 54103
Devra R. Cohen, WSBA No. 49952
Christopher G. Emch, WSBA No. 26457
Adrian Urquhart Winder, WSBA No. 38071
Foster Garvey PC
1111 Third Avenue, suite 3000
Seattle, WA 98101-3299
Telephone: (206) 447-8934/447-4400
Telefax: (206) 749-1902/447-9700
E-mail: ahearne@foster.com
Attorneys for Appellant

The Wahkiakum School District files this quick response to the State’s post-argument “Notice” filing:

The Notice’s attachment: The school district does not object to the State’s request to substitute the Notice’s March 17 Revised Consolidated Answer in place of the State’s prior February 21 Consolidated Answer.

The Notice’s legal briefing: The school district does, however, object to the State’s inclusion of legal briefing in its March 17 Notice. Put concisely:

1. The Notice’s new submission of a January 2023 Urban Institute document is ***factually irrelevant*** to the constitutional issue in this case – for the local vs. State funding numbers in that document (like those in the GAO Report that the Notice also cites) do not distinguish between

- (a) funding for facilities required to safely teach the knowledge and skills specified in that State’s learning standards, and

- (b) funding for facilities that are enrichments above that state-standards floor.¹

This failure to distinguish between (a) and (b) is fatal to the relevance of the Notice's local vs. State funding comparisons because the Washington Constitution does distinguish between (a) and (b) – with the sharing of responsibility under the Washington Constitution being that local funding is for the above category (b) [enrichments], while State funding is for the above category (a) [requirements to teach state standards].

2. The Notice's local vs. State funding comparisons are also **legally irrelevant** here – for no other State has the paramount ample funding duty that our State has. As the State's own K-12 Citizen's Guide declares to every Washington Citizen:

¹ *Just a few examples of enrichments were noted in the School District's January 13 Reply Brief at 4-5.*

What does the Washington State Constitution provide regarding K-12 public schools?

"It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste or sex."

—Washington Constitution, article IX, section 1

This constitutional provision is unique to Washington. While other states have constitutional provisions related to education, no other state makes K-12 education the "paramount duty" of the state.

A Citizen's Guide To Washington State K-12 Finance (2022) at page 3

<https://leg.wa.gov/LIC/Documents/EducationAndInformation/2022%20K-12%20Booklet.pdf> (cited by the State in the State's November 14 Response Brief at 70 and February 21 Consolidated Answer at 33-34).

Thus, as the State's briefing has repeatedly argued, comparing what our State does to other States is "inapposite to Washington's Article IX, Section 1 Duty".²

² *State's March 17 Revised Consolidated Answer at 29 (citing Seattle School District No. 1 v. State, 90 Wn.2d 476, 498, 585 P.2d 71 (1978)); State's February 21 Consolidated Answer at 29 (same); State's November 14 Response Brief at 67-68 (same);*

This document contains 388 words (including the 79 words in the image reproduced from the State’s Citizen’s Guide), but excluding the parts exempted from the word count under RAP 18.17.

RESPECTFULLY SUBMITTED this 19th day of March, 2023.

Foster Garvey PC

s/ Thomas F. Ahearne
Thomas F. Ahearne, WSBA No. 14844
Bianca G. Chamusco, WSBA No. 54103
Devra R. Cohen, WSBA No. 49952
Christopher G. Emch, WSBA No. 26457
Adrian Urquhart Winder, WSBA No. 38071
Attorneys for Wahkiakum School District No. 200

accord, State’s March 17 Notice at 3 (“The State does not believe this information relating to other states’ funding systems affects the analysis of the Washington constitutional issue presented here”).

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned been, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the date given below I caused to be served copies of the attached document upon the counsel of record at the email addresses listed below:

Cristina Marie Hwang Sepe, WSBA #53609
Lauryn Kay Fraas, WSBA #53238
Emma Grunberg, WSBA #54659
Washington State Office of the Attorney General
800 Fifth Avenue, Suite 2000
Seattle, WA 98104-3188
Cristina.Sepe@atg.wa.gov
Lauryn.Fraas@atg.wa.gov
Emma.grunberg@atg.wa.gov
Nicole.beck-thorne@atg.wa.gov
Victoria.Johnson@atg.wa.gov
SGOOLyEF@atg.wa.gov

William McGinty, WSBA #41868
Washington State AGO
7141 Cleanwater Drive SW
P.O. Box 40124
Olympia, WA 98504-0124
William.McGinty@atg.wa.gov

Lester Porter Jr, WSBA #23194
F. Chase Bonwell, WSBA #58358
Porter Foster Rorick LLP
601 Union Street, Suite 800
Seattle, WA 98101
(206) 622-0203
Buzz@pfrwa.com
chase@pfrwa.com
cindy@pfrwa.com
sarah@pfrwa.com

Katherine A. George, WSBA #36288
Johnston George LLP
2800 First Avenue, Suite 226
Seattle, WA 98121
(206) 832-1820
kathy@johnstongeorge.com

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

Executed on March 19, 2023, at Tacoma, Washington.

s/ McKenna Filler
McKenna Filler

FOSTER GARVEY PC

March 19, 2023 - 10:11 PM

Transmittal Information

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Appellate Court Case Number: 101,052-4
Appellate Court Case Title: Wahkiakum School District No. 200 v. State of Washington
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The following documents have been uploaded:

- 1010524_Answer_Reply_20230319221002SC669253_6944.pdf
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- bianca.chamusco@foster.com
- buzz@pfrwa.com
- chase@pfrwa.com
- chris.emch@foster.com
- cindy@pfrwa.com
- cristina.sepe@atg.wa.gov
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- kathy@johnstongeorge.com
- lauryn.fraas@atg.wa.gov
- litdocket@foster.com
- sarah@pfrwa.com
- scot@johnstongeorge.com
- william.mcginity@atg.wa.gov

Comments:

Wahkiakum School District's Response to the State's Friday Afternoon "Notice" Filing

Sender Name: Thomas Ahearne - Email: ahearne@foster.com
Address:
1111 3RD AVE STE 3000
SEATTLE, WA, 98101-3296
Phone: 206-447-8934

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