

FILED
SUPREME COURT
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.

***STATEMENT OF GROUNDS FOR DIRECT REVIEW:
APPELLANT'S RAP 10.8 STATEMENT OF
ADDITIONAL AUTHORITIES RELATING TO POINTS
RAISED IN THE STATE'S NOVEMBER 2022 BRIEFING***

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Statewide Impact

Pinpoint cite to State’s 11/14/2022 brief: p.71 (arguing appellate ruling will dictate State funding not just for appellant, but also “for the Seattle School District, for the Mercer Island School District, and for each of the other 292 school districts in the State.”).

Authority/Relevance: 2A Wash. Prac., Rules Practice RAP 4.2 (9th ed.) (2022) at §3 (noting influence of “the fact that a decision will have a broad public impact” in cases granting direct review relating to demotion of vice principals in a local school system, overcrowding in a mental hospital, communications in a class action, and a divorce decree).

Clarifying Supreme Court Intent

Pinpoint cite to State’s 11/14/2022 brief: pp.34-35 (citing 2017 Order stating that *McCleary* “**did not** address capital costs”, but arguing *McCleary* **did** address capital costs by holding all capital costs are categorically excluded from Article IX, §1).

Authority/Relevance: *Washington State Motorcycle Dealers v. State*, 111 Wn.2d 667, 680–81, 763 P.2d 442 (1988) (noting this Court had sent “mixed and confusing signals” regarding a constitutional requirement, and it “is our purpose herein to clear up the confusions of yesteryear and avoid ... perpetuating the possibility of future misunderstandings...”); *Personal Restraint of Williams*, 198 Wn.2d 342, 353, 496 P.3d 289 (2021) (“in addition to our responsibility to interpret Washington’s constitution, we must furnish a rational basis ‘for counsel to predict the future course of state decisional law.’”).

Statewide Facilities Funding

Pinpoint cite to State's 11/14/2022 brief: pp.66-67 (noting States with education clauses weaker than Washington allow local facilities funding).

Authority/Relevance: *Hoke County Board of Education v. State*, --- S.E.2d ---, 2022 WL 16703972 (N.C. Nov. 4, 2022) (reaffirming that a constitutionally adequate program of basic education must include minimally acceptable school facilities) at, e.g., *28/¶121 (“constitutional guarantee...of educational adequacy” includes an “operational school building”); *3/¶11 (“inadequate educational opportunities” from “facilities issues” are part of the constitutional wrong the Court must remedy); *25/¶102 (“While subsequent constitutional provisions note that the State may involve local units of government in school operation, Article I, §15 makes clear that the ultimate responsibility lies with the State.”).

RAP 18.17(b) Word Limit Certification:

I certify that this document, exclusive of words contained in the appendices, the title sheet, the table of contents, the table of authorities, the certificate of compliance, the certificate of service, signature blocks, and pictorial images (e.g., photographs, maps, diagrams, and exhibits), contains 348 words (not more than 350).

RESPECTFULLY SUBMITTED this 21st day of
November, 2022.

Foster Garvey PC

s/ Thomas F. Ahearne

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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:

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

Executed on November 21, 2022, at Tacoma, Washington.

s/ McKenna Filler
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FOSTER GARVEY PC

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Transmittal Information

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- 1010524_State_of_Grounds_for_Direct_Rvw_20221121152234SC211603_8733.pdf

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Comments:

Statement of Grounds for Direct Review: Appellant's RAP 10.8 Statement of Additional Authorities Relating to Points Raised in the State's November 2022 Briefing

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