

DORAN DECISION 1983

SUPERIOR COURT OF WASHINGTON FOR THURSTON COUNTY

SEATTLE SCHOOL DISTRICT NO. 1,
et al.,

Petitioners

v.

STATE OF WASHINGTON, et al.,

Respondents

NO. 81-2-1713-1

DECLARATORY JUDGMENT

THIS MATTER having come on for trial on November 1, 1982, before the Court sitting without a jury; the presentation of evidence having been completed on December 22, 1982; and the Court having reviewed the briefs and heard argument of counsel for all parties, having made an Oral Opinion dated April 29, 1983, and having entered Findings of Fact and Conclusions of Law, hereby declares as follows:

(1) The educational programs established by the Legislature as necessary to meet the current needs of the children of this State pursuant to Article IX, Sections 1 and 2, of the Washington Constitution, are found in a series of laws, including:

(a) the Basic Education Act of 1977 ("BEA");

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1 (b) the Education For All Act of 1971;
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3 (c) the Transitional Bilingual Instruction Act of 1979; a
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5 (d) the Remediation Assistance Act of 1979.
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7 (2) Under existing state law, the State, through the Legis-
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9 lature, must fully fund the regular program for normal-range abili-
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11 students, a program of vocational education, a special education
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13 program for handicapped children, a pupil transportation program
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15 sufficient to provide transportation to and from school for studen-
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17 for whom such transportation is necessary in order for them to
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19 attend their assigned schools, a program of transitional bilingual
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21 instruction for limited-English speaking students, and a remediati-
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23 assistance program for students deficient in basic skills.
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25 (3) Under existing state law, the Legislature must fully fund
26
27 the minimum staff ratios set forth in the BEA, salaries necessary
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29 to assure local school districts the ability to hire and retain
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31 competent staff, and necessary related costs such as substitute
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33 staff, the costs of any sick leave cash-out program that the
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35 Legislature requires school districts to offer their employees, and
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37 appropriate NERC factors.
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39 (4) Because regular program staff ratios and non-employee
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41 related cost ("NERC") funding are insufficient for the vocational
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43 program of education, funding of that program should include
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45 appropriate recognition of increased staff and NERC factors in
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47 addition to those in the regular program.

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1 (5) The across-the-board funding reduction found in Chapter
2 Laws of 1982, 2d Ex. Sess.; the reduction in transportation fundi
3 and delay in compensation increase funding found in Chapter 14,
4 Laws of 1981, 2d Ex. Sess.; the cancellation of compensation incr
5 funding found in Chapter 50, Laws of 1982, 1st Ex. Sess.; and the
6 staff mix lid found in Section 87(3)(b) of Chapter 340, Laws of 1
7 are unconstitutional.
8

9 (6) The educational programs necessary to meet the current n
10 of the State's school children under Article IX, §§ 1 and 2, of t
11 State Constitution must be funded by the Legislature as the State
12 first priority, before any statutory programs are funded. Once t
13 Legislature fully funds such programs, including a necessary trans
14 portation program at 100% or as close thereto as is reasonably
15 possible, the Legislature cannot thereafter reduce the funding for
16 those programs below the established constitutional minimums or
17 directly or indirectly affect the school districts' ability to
18 provide the necessary programs to all of their students without
19 resort to excess levies.
20

21 ✓ (7) Whatever system the Legislature selects for determining
22 salary and necessary salary increase funding, it must establish
23 those levels and any governing rules affecting school district
24 employee compensation in advance, so that the local school distric
25 boards of directors may properly consider the issues relating to
26 employee compensation at the time they are required to finally ado
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1 their annual budgets. Where school districts execute collective
2 bargaining agreements with their employees strictly in accordance
3 with state law and the salary levels fixed by the Legislature in
4 the appropriations act, the Legislature is bound to provide sufficient
5 funding to the school districts to allow them to meet their
6 contractual obligations.

7 (8) During the 1981-82 and 1982-83 school years, the State did
8 not satisfy its duty to fully fund the regular program of education
9 the vocational educational program, the special education program
10 for handicapped children, pupil transportation, the transitional
11 bilingual program, or the remediation assistance program.

12 (9) By July 1, 1984, the Legislature must define and provide
13 full funding for pupil transportation, which will include transportation
14 to and from school for students for whom such transportation
15 is necessary for them to attend their assigned schools.

16 (10) The Legislature must fully fund a special education
17 program for handicapped children that is sufficient to provide the
18 children an appropriate education at public expense. Special
19 education programs for handicapped children are required under the
20 Constitution, and must be included as part of the state system of
21 basic education and fully funded pursuant to Article IX, §§ 1 and
22 independently of the intent of the Legislature as determined by the
23 BEA and related state education laws. In order to satisfy the
24 requirement of full funding, sufficient funds must be provided and

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1 distributed in a manner that is based as closely as reasonably
2 practicable on the actual cost of the special educational needs
3 identified in the properly formulated individualized educational
4 programs of all handicapped students pursuant to state law and
5 sufficient to insure each school district's ability to comply with
6 all of the rights, procedures, and substantive requirements contained
7 in the special education laws.

8 (11) By July 1, 1984, the Legislature must define and provide
9 full funding for the transitional bilingual and remediation
10 assistance programs necessary to meet the requirements of the
11 governing statutes.

12 (12) A block grant may not be used to fund programs, such as:
13 the transitional bilingual, remediation assistance, and special
14 education programs, that the Legislature has determined to be
15 necessary to meet the current needs of the state's school children
16 and thus brought within the scope of the state's constitutional
17 obligations under Article IX, Section 1.

18 (13) The Court will not grant a writ of mandamus in this case.

19 (14) Petitioners will recover their ^{statutory} costs in the following
20 areas: full funding of BEA as to staff levels, reliance salary
21 districts, and NERCs; need for and funding of substitute staff
22 and the vocational, transportation, handicapped, transitional
23 bilingual, remediation programs. Respondents will recover their
24 ^{statutory} costs in the following areas: full funding of grandfather salary

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1 districts; need for and funding of extracurricular and gifted
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3 programs and enrollment decline, large and urban district and
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5 deferred maintenance costs.

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7 DATED this 27th day of ^{Sept}~~August~~, 1983.

8
9
10 13/ Doran
11
12 Judge Robert J. Doran

13 Declaratory Judgment Approved
14 and Presented by:

15
16 SEATTLE SCHOOL DISTRICT NO. 1

17
18 By Michael W. Hoge
19 Michael W. Hoge
20 General Counsel
21 Lead Counsel for Petitioners

KENNETH O. EIKENBERRY

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25 Murphy & Davenport
26 Special Assistant Attorney General
27 Lead Counsel for Respondents

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30 Assistant General Counsel

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39 BELLEVUE SCHOOL DISTRICT NO. 405

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42 NORTSHORE SCHOOL DISTRICT NO. 417

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DECLARATORY
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1 WASHINGTON EDUCATION ASSOCIATION
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Edith Longquist
Faith Hanna

Counsel for Intervening Individual Petitioners

DECLARATORY
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1 HOWARD C. POWERS

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5 Counsel for Washington State
6 Special Education Coalition
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JUDGMENT-8

DORAN 1988
DECISION

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

FILED

NOV 22 1986

SUPERIOR COURT CLERK
THURSTON COUNTY CLERK

WASHINGTON STATE SPECIAL
EDUCATION COALITION,

Petitioner,

vs.

STATE OF WASHINGTON, et al.,

Respondents.

CAUSE NO. 85-2-00543-8

DECLARATORY JUDGMENT

THIS MATTER having come on for trial on December 3, 1986, before the Court sitting without a jury; the trial having been completed on December 18, 1986, and the Court having reviewed the briefs and heard argument of counsel, having made an Oral Opinion dated October 29, 1987, and having entered Findings of Fact and Conclusions of Law, hereby declares as follows:

1. The handicap program funding allocation formula contained in LEAP Document 8 Revised, referred to in Engrossed Substitute Senate Bill 4762, Section 505, Chapter 312, Laws of 1986 and, in particular, the SLD "E" component thereof, distributes funds to school districts in a manner which reduces the per capita allocation based upon eligible student population which exceeds four percent of the district's total school population without making some provision for districts that can establish underfunding:

A. Fails to distribute funds to school districts in a manner which reflects the actual distribution by level of severity and number of all handicapped and, particularly, specific learning

1 disabled students eligible for the handicapped education;

2 B. Is inconsistent with the requirement of the State
3 Education for All Act, Chapter 28A.13 RCW, that funding for the
4 handicapped program be provided on an excess cost basis;

5 C. Fails to satisfy to some extent the full funding
6 requirement of Article IX, Sections 1 and 2, as determined by this
7 Court in School Funding II that fully sufficient funds be provided
8 and distributed in a manner that is based as closely as reasonably
9 practicable on the actual cost of the special educational needs
10 identified in the properly formulated individualized educational
11 programs of all handicapped students pursuant to state law and
12 sufficient to ensure each school district's ability to comply with
13 all of the rights, procedures, and substantive requirements
14 contained in the special education laws.

15 2. The Legislature may, but is not constitutionally
16 required to, include the total costs for the handicapped program
17 in a single formula.

18 DATED this _____ day of _____, 1988.

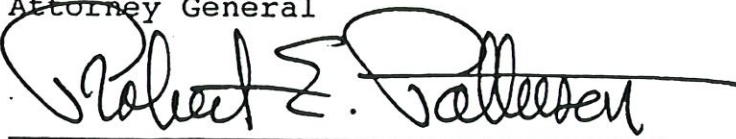
19 ROBERT J. DORAN

20 JUDGE ROBERT J. DORAN
21 Thurston County Superior Court

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2 Declaratory Judgment approved for
presentation by:

3 
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5 HOWARD C. POWERS
Attorney for Petitioner

6 KENNETH O. EIKENBERRY
7 Attorney General

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