

# MCCLEARY V. STATE

December 20,  
2012 Order  
from Supreme  
Court

# CONTEXT

- **July 18, 2012 Order on Retained Jurisdiction**
- **September 17, 2012 Report by Joint Select Committee**
- **October 17, 2012 Responsive Brief by NEWS**
- **Court considered the filings at its en banc conference on December 6, 2012**

# QUESTION BEFORE THE COURT

**Whether, in remedying the constitutional violation of the State's paramount duty under article IX, section 1, current actions demonstrate steady progress according to the schedule anticipated by the enactment of the program of reforms in ESHB 2261.**

# CONCLUSION

- Action by the State did not show steady or forward progress.
- Year 2018 remains a firm deadline for full constitutional compliance. There must be a plan, whether achieved by getting on track with the implementation schedule anticipated in ESHB 2261 or by equivalent measures.

# ORDERED

- Next report must set out State's plan in sufficient detail to allow progress to be measured according to periodic benchmarks between now and 2018.
- Plan should address all areas of K-12 education identified in ESHB 2261, including transportation, MSOCs, full-time kindergarten, and class size reduction.
- Next Report should be filed as a pleading to ensure all the communications are part of the open court file.

## COMPARISON WITH STANDARD ARTICULATED IN PREVIOUS (JULY 18) ORDER ON RETAINED JURISDICTION

- In deference to ESHB 2261 and its implementation schedule, the court's review will focus on whether the actions taken by the legislature show real and measurable progress toward achieving full compliance with article IX, section 1 by 2018.
- While it is not realistic to measure the steps taken in each legislative session between 2012 and 2018 against full constitutional compliance, the State must demonstrate steady progress according to the schedule anticipated by the enactment of the program of reforms in ESHB 2261.