



Washington State Senate

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Senator John Braun
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August 23, 2018

To: The Honorable Jay Inslee, Governor
The Honorable Bob Ferguson, Attorney General
The Honorable Chris Reykdal, Superintendent of Public Instruction

Dear Statewide Elected Leaders:

In the coming days, more than 1 million students are scheduled to return to classrooms that will have seen historic increases in school funding by the Washington State Legislature, fulfilling its paramount duty to make ample provision for the education of all children residing within our borders.

Unfortunately, all families may not have this same opportunity with some teachers threatening to go on strike. It is with this in mind I write to respectfully request your engagement and if necessary, intervention, in any public school employee strike that prevents students from accessing their educational opportunities, our state's paramount constitutional duty.

Ample state funding for Washington schools

Washington students who are prevented from going back to school on time over a pay dispute, in some cases with educators already under contract, will lose access to classrooms receiving historic levels of funding.

- Our investments in K-12 now make up more than **50% of the budget** for the first time since the 1981-83 state operating budget, more than 35 years ago.
- In the upcoming school year, Washington will almost assuredly rank in **the top five nationally** in state education funding levels per pupil.
- The state-funded average teacher salary -- not including additional local salary enhancements -- will be more than \$72,000 in the upcoming year, placing educators in the upper tier of wage earners in most of the state. This figure does not include additional funding the state puts toward each educator's pension (an amount equal to 15% of salary), health care (more than \$840 a month), and time off benefits.
- Statewide, districts project to receive **nearly \$15,000 per pupil in the 2018-19 school year** from a combination of all funds: state & local (\$13,584), federal (\$948), and all other (\$584). Put another way, for a class of 20 students, we are spending nearly \$300,000 per classroom.

The bipartisan effort yielding these results was one of the most significant challenges faced by state leaders in recent memory. Yet despite these record investments and the state Supreme Court ruling that the Legislature is amply funding schools, Washington families still face the prospect of some schools not opening on time.

School employee strikes hurt students

Regardless of your personal opinion on the position of either the school district or educator representatives, part of creating and maintaining a world-class education system in our state means having children present and actively learning. A refusal to work by teachers would disrupt this year's return to the classroom and dilute the quality of overall instructional time.

There is a good deal of research showing that the current summer break is too long. The break from the classroom from June to September already causes some students' skills and knowledge to regress. As a result, remedial review is often needed at the start of the September school year. Teacher strikes make that break even longer.

Furthermore, school closures present a major challenge and burden to families who will be forced to make last-minute alternative plans for the care of their children at a time when the state has provided ample funding for public school employee raises. This disproportionately harms the hundreds of thousands of households with single parents or both parents employed, forcing people to take time off work, pay for alternative care, or find other means to ensure their children remain safe and supervised.

Statewide elected officials' role in protecting student learning

The state Supreme Court in *McCleary* made clear that students in this state have a fundamental positive civil and constitutional right to an amply funded public education, and that the state has a paramount duty to provide that education.

As statewide elected officials, you share a unique position and responsibility to act, including seeking an injunction to keep our public schools open. The Superintendent of Public Instruction has the duty to supervise "all matters pertaining to public schools." (*Washington Constitution Art. III, § 22*). Ensuring that every student can attend class as scheduled surely falls within your supervisory powers. The Governor, our state's highest-ranking official, "shall see that the laws are faithfully executed," which certainly includes preventing illegal public employee strikes. (*Washington Constitution Art. III, § 5*). The Attorney General has been an active advocate of civil rights, participating in your own Office's mission "to protect the rights of its people." Fighting for our students' civil right to an education should be as compelling a case as any of the legal challenges your office has initiated in recent years.

In Washington, state and local public employees, including those working in the public school system, do not have a legally protected right to strike. No such right existed at common law, and none has been granted by statute. If our state's educators are unwilling to perform their work, I ask that you perform your duty to protect and enforce our children's constitutional right to an education.

Ensuring class starts on time for all students

It is ironic that with the state Supreme Court determining that schools are amply funded that the greatest threat to our students' education is from adults bickering over how to divide the bounty.

The bottom line is every student should be in class on the first day. No exceptions.

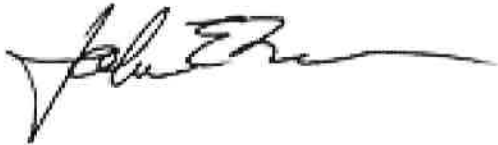
Thus, I am writing to respectfully request two things:

1. Your active engagement in discouraging strikes and pushing for timely, responsible resolutions across the state; and
2. If strikes are employed, you legally intervene and seek an injunction to keep our public schools open to students.

If you have any questions or would like to discuss this further please do not hesitate to contact me.

Thank you for your service to our state, students, and schools.

Sincerely,

A handwritten signature in black ink, appearing to read "John Braun", with a long horizontal flourish extending to the right.

Senator John Braun
20th Legislative District