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Washington Office of Superintendent of
PUBLIC INSTRUCTION
Chris Reykdal, Superintendent

September 14, 2026

The Honorable Bob Ferguson
Governor of Washington
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Ferguson:

Consistent with the requirements in RCW 28A.300.170, attached is my 2027–29 biennial budget request that is necessary for the State of Washington to ensure its legal obligation to the constitutional rights of our K–12 public school students: *"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"* (Article IX, Section 1, Washington State Constitution).

This request seeks \$1.2 billion in state funds over the next two years to meet the legal obligations set forth in RCW 28A.150.260 and a host of other statutes that make up the totality of basic education in Washington state. This request also addresses the specific expectations of the Washington State Supreme Court in *McCleary v. State of Washington*.

Not only did the Court make a clear ruling in 2012 on behalf of the plaintiffs and the students across this state for generations to come; they also issued a contempt order in 2014 following an inadequate response by the Legislature to fund basic education. The court made clear that the state, "is engaged in an ongoing violation of its constitutional duty to K-12 children."

That same contempt is happening today. From your budget request last session, to the Legislature's budget adoption, and back to you again for your signature, "the state" once again failed to meet the basic education needs of students by failing to amply fund the true costs of maintenance, supplies, and operating costs; transportation; special education; substitute teachers; the Learning Assistance Program; the Transitional Bilingual Instruction Program; the Highly Capable Program; in addition to myriad other programs and policies that have become basic education expectations.

In the *McCleary* case, the Washington State Supreme Court made several things very clear based on their prior rulings and the lower court's findings following testimony:

1. Ample means considerably more than just adequate.
2. Full funding will remedy deficiencies in the K–12 funding system.
3. The state has the obligation of ample, stable, and dependable funding for basic education. (Note: The Court did not demand the reduction or removal of local levy funds for enrichment activities.)
4. Funding must be based as closely as reasonably practicable on the actual costs of providing the education mandated by the Court.
5. The state's constitutional duty goes beyond mere reading, writing, and arithmetic. It also embraces broad educational opportunities needed in the contemporary setting.
6. The state's legal duty to provide an ample basic education creates a correlative right of students to receive that basic education with equal stature.
7. The state has a legal duty to provide access to amply funded basic education, but nothing in Article IX requires the state to guarantee educational outcomes (there are too many factors that are solely in the domain of the family and the student, for the state to ensure outcomes).
8. The program of basic education will evolve and need additions as the needs of the state's learners change.
9. Basic education budgets cannot be diminished due merely to budget challenges faced by the state.
10. K–12 funding formulas had failed to be updated to address new expectations.

As Attorney General, your office had the legal duty to defend the Legislature's failed tactics to stall basic education investments. It got so bad that by 2015, the State Supreme Court issued an unprecedented \$100,000 per day fine against the state. This was not resolved until 2018. One year later, the state would peak in its funding per student, and in the share of the state budget that was dedicated to basic education. It has steadily eroded since then. This same dynamic of satisfying the court, only to regress, also played out following the 1977 basic education funding case out of Seattle. We must endeavor to break this cycle.

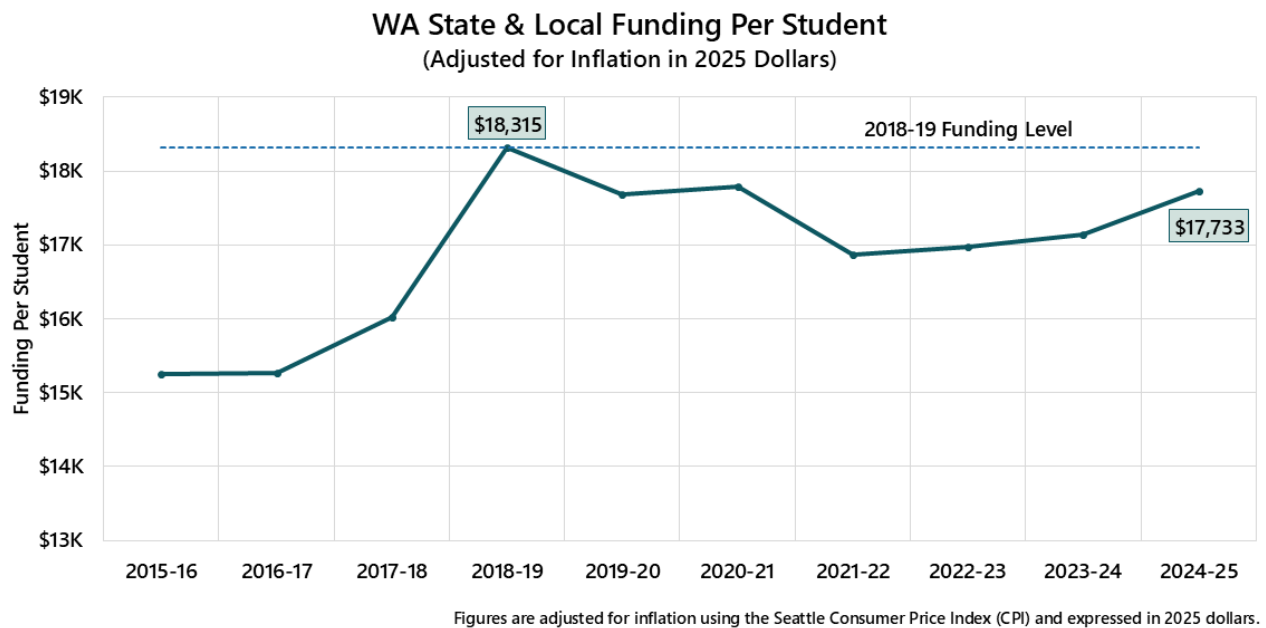
RCW 28A.150.260 states that the Superintendent "may" recommend to the Legislature a formula for the distribution of basic education instructional allocations for each common school district. While my role is a "may," as Governor, the law says you "shall" recommend to the Legislature. That same statute makes clear in subsection 13(a), "This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor."

In short, you and I both have a legal obligation—together—to review our state's funding formulas for basic education and submit necessary changes to the Legislature to ensure basic education remains amply funded. The failure of this process in decades past is undoubtedly part of our state's ongoing failure to amply fund basic education. And it most certainly contributed

to the decadal trend of Governors proposing new programs and new mandates on school districts, while failing to first submit budget recommendations to the Legislature that maintained ample basic education funding for schools.

Both our founders and prior legislatures understood the importance of the state superintendent as a separate executive with "supervision over all matters pertaining to public schools," but also as a check and balance to the larger pushes and pulls placed upon governors, past and present. As I have done repeatedly, I offer to meet with you to carry out our shared legal responsibility.

My budget request provides a line-by-line detail of the basic education provisions that need to be shored up in order to meet the state's legal responsibility. This budget request recommends a phased approach to these investments over the next four years given that the state faces an immediate budget deficit due to considerable spending across state government in areas that are not part of basic education. We will need time to adjust downward those secondary spending interests, or to find additional revenue, to ensure our constitutional paramount duty is restored.



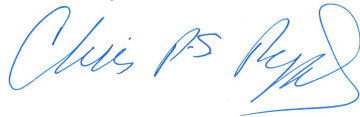
Total funds and funding per student don't begin to describe the legal failures. Total funds today include substantial increases in areas that are not considered basic education, such as school meals. When you remove the funds associated with the new mandates from the state on school districts that are outside of basic education, core funding for basic education is in much worse shape than the top-line numbers indicate.

For this reason, 11 school districts are in binding conditions, a previously rare need for state financial oversight, with dozens more on the brink. Two-thirds of our school districts have seen an erosion of their fund balance over the last four years.

The situation for our publicly funded schools grows more dire with every year that basic education is not amply funded, where inflation is not adequately addressed by the Legislature, and where additional responsibilities outside of basic education are placed upon school districts without the necessary funding.

We have a legal and moral duty to return basic education to its place as the paramount duty of the state, and there is no time to waste. Our young people deserve better.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Reykdal", with a stylized flourish at the end.

Chris Reykdal
Superintendent of
Public Instruction