EFFECT OF NATIONAL AND STATE LAWS ON ADULT EDUCATION IN THE COMMUNITY COLLEGES OF WASHINGTON

by

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M.A., Washington State University, 1948

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ADULT EDUCATION

We accept this thesis as conforming to the required standard

THE UNIVERSITY OF BRITISH COLUMBIA

September, 1976

Kenneth L. Engman, 1976
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Department of Adult Education

The University of British Columbia
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Date: September, 1976
ABSTRACT

Adult education, a formalized part of the post secondary education in the State of Washington; is, in 1975, suffering from a lack of nourishment.

National laws, usually resulting in grants to programs, or directly to students, have helped maintain adult education and community service. Congress has been non-specific in its legislation, leaving most of the disbursement to the various states in accord with the state plans or guidelines set up to accept the funding. Only a few of the many national laws deal exclusively or specifically with adult education, for the most part adult education is covered in the general guidelines for education as congress sought to help. The State of Washington was much more specific. By 1967, Washington had passed the Community College Act, which assigned the area of adult education and community services directly, and almost exclusively, to the community colleges.

The community colleges of Washington, recipients of this task, were not ready educationally, philosophically, nor by physical plant or financial means to carry out the law's mandate. Unfortunately for adult education, the academic staff, the college presidents and instructional deans were not oriented to adult education. As a result, there has been a steady decline in adult programs, both in number and quality. The governor-appointed college boards and the State Board for Community College Education and its staff also have exhibited little or no interest in adult education. Funding for this mandated area has received
minimal attention.

Community Colleges in Washington have no tax base. Their monies come from part of the student fees, and the majority by direct legislative appropriation. Though Washington's constitution places the financial burden for all schools squarely on the shoulders of the state, the state has not met its responsibility, and a special levy system for K-12 education has evolved. The "Northshore case" was of great concern to all schools since it asked the state to assume total responsibility for funding. The State Supreme Court dissented in a surprise decision.

The State Legislature placed three community college areas on the same footing: academic, adult education, and vocational education, "with equal emphasis." Needless to say the emphasis has not been equal. Adult education accounted for less than 4 percent of the state's community college full-time equivalent students.

If adult education is to receive anywhere near its financial share and supervisory attention in Washington, it appears that it will happen only because of drastic action from adult educators and an aroused public.

One cannot generalize and say, "if you quit feeding it, it will go away," because some of the more recently opened of the twenty-two community colleges of the state are attempting to do a fair share of education of adults. The greater problems seem to lie with the older schools that were once junior colleges with long tenured staff, with the local boards, and especially, the State Board for Community College Education. The state board seems to have dropped the words,
adult education, from its vocabulary when it speaks of long range plans.

A turn about in this unequal treatment could readily be handled by existing administrators in the state, who have had much specialized training in adult education through federal grants. Many adult education administrators possess either Ph.D's or Ed.D's from outside the State of Washington. A huge backlog of competent staff is available to teach if this area were truly activated.
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The writer wishes to express his indebtedness to a number of illustrious professors who helped shape and increase his awareness of many facets of adult education and continuing education: to Dr. B. Lamar Johnson and Dr. Howard Campion of the University of California at Los Angeles, and Dr. Cyril Houle, University of Chicago, who first brought to the writer the meaning and breadth of adult education; to Dr. Lewis B. Mayhew, Stanford University and Dr. Zeno B. Katterlee, Washington State University, whose analytical brilliance and inquiring minds further led the writer into more scientific inquiry in educational research; to Dr. Gerald Read, Kent State University, with whom the writer traveled and studied adult and continuing education in nine "iron curtain" communist countries.

The opportunity to be helped and guided by such an educator as Dr. Coolie Verner is the capstone of the writer's career among adult education leaders.
CHAPTER I

THE COMMUNITY COLLEGE

The community college, unique to America, has arrived. Rapid expansion of these institutions throughout the United States and Canada has resulted in conflicts as to the role of the community college as an important segment of American education.

In 1971-1972, the State Board for Community College Education in Washington began the construction of a "Master Plan" for the operation of the colleges. Input was sought from the schools throughout the state. As a result, the board ruled in its "Master Plan" that all community colleges should offer a curriculum that was at least forty (40) percent vocational-technical.

The legislative acts of the State of Washington in 1967, and again in 1969, expressly assigned all adult and continuing education to the community colleges of the state. Some residual adult education remained in certain districts and in vocational technical schools as excepted by the 1967 community college law.

The State of Washington community colleges have no tax base. Their monies come directly from state appropriations and from student fees. All the fees go to the state, which in return refunds approximately forty percent back to the originating colleges. The F.T.E. (full-time equivalent) rate paid to the colleges has dropped regularly from about $1,300 per student in 1971-1972, to approximately $800 per student in the 1974-1975 term. This is in the face of both spiraling costs
and increased attendance.

The Washington State legislature has been lax or uninformed as to the real cost of operating the community colleges. The "open door" policy, which allows anyone 18 years or older to enter, has swelled the student body from a few hundred in its beginnings to over 100,000 at the present time. Funding has not kept pace with this dramatic increase.

The State of Washington Constitution of 1889, Article IX, specifically points out that it is the: "Paramount duty of the State to provide for the K-12 program, normal schools, technical schools and all other institutions as shall hereinafter be established."

One would assume from this article that the state intended to assume the responsibility for an educated populace. This, however, has not been the case.

PURPOSE

The purpose of this study is to discover the degree of effect federal and state laws had on adult education in Washington State. Since federal and state funding is given both directly to college programs, and indirectly through the state to the programs and students, it must influence the ability of community colleges to offer adult courses. The state itself furnishes the majority of the funding for community colleges, and hence, adult education. The state plans and funding formulas for adult education will be evaluated. The study will also explore whether or not the state is following the constitution and state laws in the implementation of community college financing.
PROCEDURE

The study is organized along a chronological sequence, beginning in the state with the Constitution of 1889, and with federal laws beginning with the Smith-Hughes Act of 1917. While the history of the junior colleges is interesting and has bearing on later actions, adult education was not exclusively assigned to the community colleges until the Community College Act of 1967.

The study reviews the national and state laws that affect education and specifically adult education in the community colleges of the State of Washington. While this study might have historical overtones, the main thrust is in the chronology of the laws and their interaction with the schools and students at the time of their passage, and the later cumulative impact of six decades of federal law. Beginning with the State Constitution of 1889, the study traces adult education through the various laws down to 1975.

Implicit with these laws are governing boards, court cases, plans of the State Board for Community Colleges, and individual interpretations of the members of the Community College Board staff personnel. These issues are reviewed as they are pertinent to the offering of adult education classes by the community colleges.

The appendices are an important part of this study. They include unedited Appendix B, for there was no way to summarize Appendix B without bias, and no brief could do justice to the many statements of the court majority and minority opinions. The State Board for Community Colleges Plans I, II, III speak for themselves rather ambiguously. Summaries of federal and state laws regarding adult education are the result of searching the statutes of the federal and state governments.
DEFINITION OF TERMS

Since the work is primarily about laws and its interpretation, and about adult education which non-adult educators and the lay public define in various ways, comments should be made about terminology.

Adult education shall mean the formal instructural setting, in which the element of chance is minimized. This setting comes into being when an educational agent designs a sequence of tasks using specific learning procedures to help an adult achieve a mutually agreeable learning objective. "... an activity is identified as adult education when it is part of a systematic, planned, instructional program for adults."¹ The Legislature of the State of Washington has defined adult education as follows:

(11) "Adult education" shall mean all education or instruction, including academic, vocational education or training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: PROVIDED, That "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: PROVIDED, FURTHER, That "adult education" shall not include education or instruction provided by any four year public institution of higher education: AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational-technical institute.²

Public junior colleges shall mean those two-year schools operated by states or agencies of the state which offer primarily two year lower division college courses.

Community college has a much broader connotation than does junior college in that it offers a broad spectrum of classes, i.e. academic, vocational technical, adult education and community services, both graded and ungraded, and draws much of its curriculum from community needs.

Statutory law includes laws, acts or ordinances passed by a body empowered to make and pass such laws.

Case law is law derived from a number of court decisions that finally establish a precedent which may be cited and followed in settling cases.

Constitutionality means that a statute, law or ordinance must agree with the stated and implied provisions of the constitution, be it federal or state.

Legality simply means that a statute, law or ordinance was duly passed by a body empowered by constitution or charter to pass laws or legislation. Legality does not imply constitutionality. Many laws, though legally passed, have much later been declared unconstitutional and have been voided.

"Constitution mandatory, the provisions of this constitution are mandatory, unless by express words they are declared otherwise." This statement in the constitution gives validity to the terminology in the constitution regarding education.

Paramount: Above, superior to all others, supreme, dominant. The foregoing definitions are current and unchanged since the constitution was written.

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5 Merriam-Webster, Dictionary, Massachusetts, 1975.
REVIEW OF THE LITERATURE

No previous study has been found that considers the role of government in the development of adult education either in Community Colleges or in other regulated situations.

Allan Crawford wrote an historical detailed study of the junior college movement in Washington.\(^6\) He traced the beginnings of each institution. Much of the background information came from personal interviews with those who were responsible for the implementation of the junior colleges. Little was said about adult education as such, though he showed an empathy for the older adult; the work primarily accented the academic and vocational training of college age students.

Hoyt\(^7\) utilized the Likert method scale and showed that adult educators thought well of themselves as community leaders. On a one to five scale, most educators rated themselves midway above the norm. Of the adult education field itself, they expressed hope of growth and worthwhileness in their chosen field. The thesis deals little with adult education itself, which the educators thought extremely worthwhile, but more with their own self image and the degree of defensiveness they felt with peer groups and with the general public.


Dwight Davis did not speak to the adult education field, only to the lower division transfer school. It was too early in history of junior college to reflect the community college concept.

The University of Washington and Washington State University did produce a number of masters thesis and a few doctoral dissertations in the two-year college field. Rodney Berg seemed to want to prove that "the academic student from the junior college or community college did as well as, or better than, originating students at the universities." Paul Blowers concerned himself with "administrative roles of community college deans." No studies were found on adult education in the state.

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CHAPTER II

ESTABLISHMENT AND GROWTH OF JUNIOR COLLEGES

The first junior colleges developed as private institutions. The first of these was Montecello College (1835); the second, Susquehanna University (1858). These colleges were formed to provide a type of post-secondary education quite similar to education found in the traditional American college. Their religious denominations, emphasized education according to the tenets of their particular religious faiths.

The ideal of an egalitarian society in which the individual would be allowed to rise to the limits of his abilities, stabilized the three and four-year public high schools by the mid-1920's. By the turn of the century, upward extension of high school had begun in Michigan, Indiana and Illinois. California's now numerous junior colleges began in Fresno in 1910. Legislation passed in that state in 1917 insured the development of such institutions. Missouri and Minnesota established public junior colleges in 1915; Kansas and Oklahoma, in 1919; Arizona and Iowa in 1920; and Texas in 1921.

\[1 \text{Clyde E. Blocker and Henry A. Campbell Jr., Administrative Practices in University Extension Centers and Branch Colleges, (Austin, Texas, 1963).} \]

\[2 \text{John J. Brubacher and Willis Rudy, Higher Education in Transition, (New York, 1958).} \]

\[3 \text{Blocker and Campbell, loc. cit.} \]

\[4 \text{R. Fredrick Strathers, The Development of the Community Junior College in the U.S. to 1961, (Austin, Texas, 1963).} \]
These early colleges were true extensions of secondary education. They were housed in high school buildings, had closely articulated curricula, and shared faculty and administrative staffs. They did encounter difficulty in their early years because as a deviation from the trend toward the four-year high school, they were not recognized as an essential part of secondary education.

Several forces contributed to the rapid extension of the junior colleges in the 1920's: the emergence of the concept of the comprehensive high school, the enacting of the Smith-Hughes Act, and the public's acceptance of broad programs not competing with the conventional college preparatory program. Another major force was the philosophical shift from realism and idealism to a more pragmatic approach. This gave the community college the intellectual support needed for sustained expansion during the 1920's and the decades to come.

During the same period, state colleges and universities began to respond to this surge for broader offerings by opening extension centers and branches. The services rendered by these institutions varied markedly, ranging from non-credit adult education courses through undergraduate levels, and even to graduate studies.

A corollary development, began in 1895, and resulted in the emergence of the technical institute. These institutes grew out of the need for specialized educational programs that would prepare students for specific occupational requirements. Programs which were not then available either on the secondary or collegiate level. Part of this program was later established as part of the total two-year college framework.

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LEGAL DEVELOPMENTS

The first legislation, passed in California in 1907, emphasized the secondary schools should be permitted to extend their programs for an additional two years and/or provide college transfer programs at their discretion. By 1961, twenty other states had passed similar legislation. Connecticut passed a law in 1959 which stated courses were to be "those customarily provided in the first two years of college." These laws illustrate Holmes' contention that legal action follows closely, "the prevalent moral and political theories, institutions of public policy ..."

The broadening of the concept of the two-year college was relatively slow in coming. California again led the rest of the country by passing new legislation in 1917 and 1921, which provided for vocational and technical courses in two-year colleges. Mississippi also passed such legislation in the 1920's, and three other states made similar provisions in laws passed in the 1930's. The Mississippi law of 1928 is unusual in that it greatly expanded the concept of the college by spelling out the need for the correlation of the work of high schools and junior colleges. Furthermore, the law specified the courses which might be offered to implement the concept:

7 Oliver Wendell Holmes Jr., The Common Law (Boston, 1881).
8 Ferris N. Crawford, "A Twentieth Century Institution - The Community College" (an address given at Southwestern District College Agreement Conference, Battle Creek, Michigan, November 16, 1961).
These courses shall consist of agriculture, including horticulture, dairying, animal husbandry, and commercial gardening; domestic science and the household arts; commercial branches, including banking, accountancy, and transportation; mechanical arts, such as carpentry, masonry, painting, shopwork in iron and wood and repairing and constructing motor vehicles. Wherever it is practical, instruction shall be given in teacher training, music, and public speaking. Insofar as possible, junior colleges shall offer a complete course of instruction so that their graduates may immediately thereafter enter professional schools if they so elect.9

Legal provisions for the inclusion of general education for citizens; adult education; occupational, vocational and recreational programs; terminal courses; and community services first appeared in California in 1921; in Nebraska in 1931; and in Wyoming in 1945. Similar legislative action was taken in the 1950's and 1960's. It is apparent that progress toward the comprehensive two-year college began rather hesitantly about 1920 and continually gained more adherents and attention as the needs of society became more apparent to the people and their representatives during the succeeding fifty years.

C. E. Blocker, R. H. Plummer and R. C. Richardson in their book, "The Two Year College: A Social Synthesis," produced the following table to show state legislative activity in the establishment and expansion of two year colleges in the United States. It shows great leadership as in California, Mississippi, and Texas, down to no action at all in South Dakota.

9Mississippi Law, C. 283, S. 308 (1928).
Table 1

State Legislative Activity by Year for the Establishment and Expansion of Public Two-Year Colleges

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<th>State</th>
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<td>Alabama</td>
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<tr>
<td>Alaska</td>
<td>1953, 1962</td>
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<tr>
<td>Arkansas</td>
<td>1962</td>
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<tr>
<td>Delaware</td>
<td></td>
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<tr>
<td>Georgia</td>
<td>1958, 1962</td>
</tr>
<tr>
<td>Hawaii</td>
<td></td>
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<tr>
<td>Indiana</td>
<td>1962</td>
</tr>
<tr>
<td>State</td>
<td>Years Reference</td>
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<tr>
<td>Louisiana</td>
<td>1928</td>
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<tr>
<td>Maine</td>
<td>1961</td>
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<tr>
<td>Maryland</td>
<td>1960, 1961, 1962</td>
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<tr>
<td>Minnesota</td>
<td>1925, 1927, 1939, 1957</td>
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<tr>
<td>Missouri</td>
<td>1927, 1961</td>
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<tr>
<td>Montana</td>
<td>1939, 1947, 1953</td>
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<td>Nebraska</td>
<td>1931, 1941, 1947, 1955</td>
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<tr>
<td>New Jersey</td>
<td>1946, 1962</td>
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<td>New Mexico</td>
<td>1957, 1962</td>
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<td>Vermont</td>
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<td>Virginia</td>
<td>1962</td>
</tr>
<tr>
<td>West Virginia</td>
<td>1961, 1962</td>
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<tr>
<td>Wisconsin</td>
<td>1962</td>
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Summary: From 1900 to 1909 when California enacted its first two-year college law, slowly states became interested in education beyond high school. The decades of the forties with thirty-six state laws, the fifties with fifty-four state laws, and the sixties with sixty state laws show the mounting interest of education beyond high school.  

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Two events, the Great Depression and World War II, stimulated rapid implementation of the concept of the comprehensive community college. Legal provisions in the thirties and forties for other than college transfer work gave momentum to the community college adult education and broader based programs, i.e. the 1944 G.I. Bill gave us a huge core of highly educated, productive, tax-paying citizens.

The striking characteristics of higher education in the United States is its diversity. Direct comparisons among institutions, state plans, or various types of two-year colleges are nearly impossible. Diversity, to a certain degree, is an advantage, but it can also make difficult the understanding of the functions of higher education.

The two-year college is probably more diverse in defined functions, programs, clientele and philosophical basis than any other educational institution in existence.

Fields, in his analysis of community and junior colleges, identified five fundamental characteristics which he thought clearly established the uniqueness of this institution.

1. **Democratic** - Low tuition and other costs; non-selective admission policies; geographically and socially accessible; and popularized education for the largest number of people.

2. **Comprehensive** - A wide range of students with widely varying abilities, aptitudes, and interests; a comprehensive curriculum to meet the broad needs of such students.

3. **Community-Centered** - Locally supported and controlled; local resources utilized for educational purposes; a community service improving the general level of the community.
Dedicated to Life-Long Education - Educational programs for individuals of all ages and educational needs.

Adaptable - To individual differences among students, differences in communities, and the changing needs of society.

Thus, we see that the comprehensive community college's services are not confined to the traditional functions of the four-year college, but include activities which contribute to the general upgrading of society as a whole. In essence, it provides services which are not made available either by the high school or the other institutions of higher learning.

Concurrent with the community college is the technical institute. The technical institute constitutes the smallest numerical grouping among the two-year colleges in the United States. Henninger identified 144 technical institutes in his 1958 study. These institutes have as their central purpose the education of individuals in technical and vocational skills, teaching only as many other skills as are essential to their craft or trade. Washington State has five technical-vocational schools per se, others were absorbed into the comprehensive community colleges of Washington.

DEVELOPMENTS IN STATE OF WASHINGTON

In the State of Washington twelve junior colleges developed prior to 1967 legislation. Before that time statutory law in Washington prevented the state from

supporting more than one public institution of higher education in any one country. Hence, several major areas of population concentration could not have public community colleges because other state institutions were already in operation, i.e. King County, University of Washington; Pierce County, Tacoma Vocational School; Spokane County, Eastern Washington State College (Cheney) . . . Though seven vocational technical schools did operate in Washington, some from as early as 1911, they were not granted any state legal base until 1957.

In the 1967 legislature, the existing vocational technical schools were granted the option of continuing as separate institutions or of joining newly created community colleges. Spokane Vocational and Technical School opted to join the community college as did Edison Vocational Technical School (Seattle); Bellingham, Clover Park, Bates (Tacoma), Renton and Lake Washington Vocational Technical Schools decided to stay autonomous schools, separate from local community colleges. Funding for these institutes came from the office of the superintendent of public instruction, whose major function was the kindergarten through twelfth grade support and supervision.

The first major legislation, specifically dealing with community colleges came in 1967, in which the state was divided into twenty-two community college districts, striking the old restrictive clauses of not more than one state supported institution per country. The law also changed the name from junior colleges to community colleges and specifically assigned to the community colleges the areas of adult education, continuing education, community service and vocational-technical training. With the open option for vocational-technical schools to
remain autonomous under the state superintendent or choose to join new or existing community colleges of their area, a certain amount of bitterness and tension arose. The years since 1967 have alleviated these tensions and apparently satisfactory solutions have been found.

Early financial conditions in Washington State were bleak. The junior college program began in Everett High School in 1915-16, but it dwindled to a handful of students by 1920 and finally completely expired in 1922-1923.

... One of the principal reasons for its demise was the need for economy brought about by the post-war recession. Until the middle of the decade, funds for schools were so short that school boards were forced to cut back activities in their districts to the barest essentials. 13

Between the years of 1919 and 1921, the state's manpower and industrial power doubled and production increased 300 percent. However, the end of the war boom saw the dismemberment of Washington's shipbuilding industry and a general slackening in all markets. The recovery from this slump would have been slower had it not been for the introduction of new industries, such as food processing and an extraordinary boom in construction. The latter stimulated the lumber industry which accounted for over a third of the state payroll. By the end of the decade business production had returned to the 1919 levels.

Educationally, this was a period of astonishing development. High school enrollment rose from forty-eight thousand in 1920 to ninety-one thousand in 1930, with graduations increasing from six thousand to fourteen thousand during the same

13 A. C. Roberts, Superintendent, Everett Public School Board Minutes, Fall, 1923.
period.

Washington was graduating one person from high school for every four who began in grade one. The national average was only one person in seven.14

It is reasonable to assume that this unusual interest in secondary education indicated a proportionate interest in higher education.

Though the initial junior college in Everett failed, the junior college movement was destined to start again. The students in Washington who needed junior colleges were not students who were turned away by the state's institutions of higher learning, but rather students who because of geography and finances were never able to enter them at all. Washington is a large state geographically; thus, even though the university is located in its largest city, the majority of its population still lives far enough away from state institutions of higher learning to make commuting an impossibility, and travel a problem.

Governor Roland Hartley, in a special meeting of the legislature in the fall of 1925, made it extremely clear that his attitude toward education, both fiscally and philosophically, was very conservative. His opening message to the legislature was a stinging denunciation of all state educational institutions. He bitterly attacked state education as being system-less, extravagant and not delivering value for money. He set a pattern in official circles which did nothing to help forward the junior college movement, to which he later showed himself openly hostile.15


Educators were interested in the junior college movement. Despite the chilling reaction from the capitol, school administrators continued to discuss the junior college. They had, of course, the reminder of their high school graduating classes to sustain this interest. Among those educators studying the junior college with special keenness was Superintendent C. L. Little of Centralia. He had been on the point of participating in the foundation of a junior college in his previous post in North Platte, Nebraska, and he continued his enthusiasm on arriving in Centralia in 1923. Another was C. A. Nelson, Superintendent in Mount Vernon; he was a close friend of C. A. Roberts and had followed closely the progress of the junior college in Everett. A third was Superintendent A. C. Davis of Yakima, who was discussing the junior college idea with his board by 1924; a fourth was Superintendent C. J. Powell of Aberdeen. Each of these administrators was to found a junior college in his district.

At the University of Washington, Dean Boulton, College of Education, continued to show his faith in junior colleges, and expressed his willingness to assist anyone who shared his enthusiasm. His attitude was far from receiving universal acceptance at the university. He had backed Everett's effort in 1915 and continued to speak for the two-year transfer program. University opposition to the junior college began to crystalize amongst the traditionalists in the faculty senate.

The Washington junior colleges in the depression decade represented a period of consolidation and role clarification. They were called upon to prove their right to survive in a period of intense financial hardship. They not only
succeeded in doing so, but also proved to be such an economic asset that they established themselves as an indispensible feature of the state's educational system.

During this period eight new colleges were established, one of which was to be lost in 1941. The junior colleges existing in Washington State up to the 1941 legislative acts were: Centralia, established in 1930; Mount Vernon, a few weeks later in the fall of 1930; Yakima, fall of 1930; Grays Harbor, fall of 1930; Clark (Vancouver, Washington), 1933; Spokane, 1933-34; Lower Columbia (Longview), 1934; Wenatchee, 1939; Everett Junior College also started in 1941, but after the 1941 legislative session.

The Great Depression began forty-seven years ago and is vivid only in the minds of the older generation; to the second and third generations since then, it is only a factor in our history.

On October 16, 1929, the stock market broke, and on one desperate day, October 29th, sixteen million shares were unloaded on the exchange. Between 1929 and 1932, the gross national product halved, and payrolls were cut to two-fifths. By the early months of 1933, the unemployed numbered more than twelve million, and the steady stream of bank closures was climaxed by the bank moratorium of March 1933.\textsuperscript{16}

The New Deal administration of President Roosevelt initiated a program of emergency relief measures; these only braked the economy's steady slide into an abyss in 1934, from which it climbed shakily until 1938, when it suffered a moderate turndown. The nation was rescued from this depression by World War II.

Needless to say, the effect of the depression on education was generally bad. After 1931, school and college budgets were cut to the bone. Curricula, faculty salaries, building maintenance and replacement, even the length of the school year were hacked in a desperate effort to balance budgets.

"Hundreds of rural schools and dozens of financially weak colleges were temporarily or permanently closed."17 In 1934, the United States Department of Education estimated that there were three million people between the ages of eighteen and twenty years who were out of work and out of school, and went on to warn that "this stranded generation faces hopelessness, crime, dissipation, vagabondage."18

Even in 1940, on the eve of Pearl Harbor, 35 percent of the total unemployed were young people under the age of twenty-five. Many of these young people escaped unemployment by remaining in college. Between 1930 and 1940, the number of students nationally in institutions of higher education rose from 1,100,000 to 1,494,000.19

The first issue of the Junior College Journal, published in October, 1930, revealed little awareness of the dire times to come. It was not until 1932 that


18 Columbian [Vancouver], July 28, 1934.

Eells wrote:

The junior college, especially in those states where little or no tuition is charged, has helped to keep at home many young people who, unable to find employment, might otherwise be wandering over the country in boxcars or hitchhiking along the highways.

The biggest change in the junior college during the depression decade was in concepts of curriculum. Junior colleges entered the period substantially committed to offerings which were strictly of the arts and sciences variety; they left it with vocational courses included in their overall educational philosophy.

Toward the last of the decade, educational leaders had been reminding the junior colleges not to overlook the possibilities of vocational education. As the years passed, there was a growing awareness of the needs of terminal students. "Pre-professional" began to emerge as a term denoting a two-year curriculum. Consideration was being given to the possibility of junior colleges being included under the Smith-Hughes Act of 1917, which had originally been drawn to assist vocational education in the high school.

In 1959, the Junior College Journal devoted the larger part of an issue to the report of an American Association of Junior Colleges Committee set up to examine needs in vocational education. The report included discussion of such career fields as medical secretaries, business management, agriculture, aviation technology, and mining.

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These terms would have indeed sounded strange at a meeting of junior college administrators only a few years before; but interest in vocational and technical education, which had been slight at first, later grew rapidly, particularly when gathering war clouds began to give the whole subject of technical education new meaning, and the junior colleges found themselves organizing to meet the new needs this entailed.

Another interesting development during the decade was a growing realization by junior colleges that they were institutions which could and should serve their communities in ways other than merely providing college transfer curricula. There began to be an awareness that the junior college should indeed be a community college. The community college should meet community needs, should serve to promote greater social and civic intelligence in the area. The clear implication of community service should not stop with transfer courses, but also include many kinds of continuing adult education for all age segments of the adult community.

In the deepening depression of the 30's in Washington State, the eight existing colleges were not affected in the same manner and degree depending on their location and background supportive industries. Yakima Valley College was hit badly when the bank containing the major portion of its funds failed to open when the bank moratorium of 1933 was over. However, the agricultural base of the region sustained the population better than the coastal region west of the Cascades. Yakima faculty salaries were cut $400.00 in order to balance the budget.

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23Yakima Herald, April, 1933.
Grays Harbor College paid its staff in mostly "frozen" bonds which were sometimes salable at twenty-five cents on the dollar and, in many cases sometimes could not be sold at any price. 24

Sometimes students paid their fees in kind. By the time the biennial meeting of the legislature took place in January, 1933, the state’s entire school system was in a very bad situation, as tax receipts fell drastically in the face of the depression. Governor Hartley proposed that in the interests of economy two of the three state normal schools be closed, and their appropriations be diverted to the common school funds. 25 Clearly this was no time for financial support for new educational ventures.

Governor Hartley was succeeded by Governor Clarence D. Martin, who called the legislature into special session in December, 1933. The school finance problem was at least alleviated at this session by the earmarking of special taxes for school support. Martin spoke encouragingly of social progress throughout the state, plans for feeding the hungry, and providing emergency relief for the destitute; he also called attention to the fact that although the schools were in a very serious position, they had at least been able to remain open, in contrast to schools in many other states. 26

Governor Martin was a miller of flour in the city of Cheney where Cheney

24Aberdeen World, April, 1933.


26Washington, Senate Journal of the Extraordinary Meeting of the Twenty Third Legislature, (December 3, 1933 to January 17, 1934), pp. 15-17.
State Normal School was located. Governor Martin had sons of college age who attended Cheney Normal. The special taxes were the state's first sales tax, passed with the aid of teachers lobby and the Washington Education Association. As presented then, in 1933-1934, the sales tax was to be used for education. Though the sales tax was used to alleviate school budget deficiencies, the earmarking was short lived and the revenues were soon turned to the general fund of the state. During this same period a state gasoline tax was also passed. However, the gasoline tax was made as a constitutional amendment and the earmarking of its funds was secure for roads and highways only.

One of the many efforts made by the Roosevelt administration to assist needy individuals was through the Federal Emergency Relief Act, under the provisions of which the junior colleges, in common with similar institutions throughout the nation, were able to assign jobs to students, who were paid from federal funds at the rate of about thirty cents an hour. The quota for each college was about twenty-five; thus work could be provided for that many students or even double that number if a half a unit was allotted to each student.

If an encouraging note was to be found, it was in the way in which, despite all handicaps, the junior colleges were meeting local needs. Their presence meant that the number of students entering higher education from their communities was approximately doubled. In a careful study of the effect of the availability of junior colleges in the four Washington cities of Aberdeen, Centralia, Mount Vernon and Yakima, Pemberton found that when contrasted with the non-junior college control cities of Bremerton, Everett, Olympia and
Wenatchee, statistics showed the following: the increase in the number of high school graduates entering higher education programs, attributable to the presence of junior colleges, was 32 percent.\(^{(27)}\)

The junior colleges had come into existence independently and somewhat isolated from each other. As the years passed, they tended to become drawn together as they cooperated to fight for common causes. This union was finally ratified when representatives of the junior colleges, private as well as "public," met in Seattle on October 7, 1933 and founded the Washington Junior College Association. Dean Charles Lewis of Mount Vernon was elected the first president of the association, whose objectives were first, to secure greater recognition for the junior colleges and the junior college movement; and secondly, improve articulation with the University of Washington and Washington State College.

At this meeting, steps were also taken to form the Washington Junior College Athletic Conference. Hitherto the colleges had met for sports on a somewhat haphazard basis; a committee under the chairmanship of Herman C. Hopf, athletic director of Yakima Junior College, was formed to write a code regularizing inter-college contests.\(^{(28)}\)

By the time the twenty-fourth biennial meeting of the legislature convened in January, 1935, Governor Martin was able to report that bad as conditions were, there were yet encouraging signs. As compared with 1932, there was to be noted in 1934 a 25 percent drop in unemployment, and the


\(^{(28)}\)Junior College Journal, 4:512, (December, 1933).
industrial payroll had risen from one hundred and nine to one hundred and sixty-eight million dollars. These encouraging signs followed a period of truly grim conditions. In 1935, the Washington Junior Colleges had published this statement:

There are being graduated from our high schools between fifteen and twenty thousand high school seniors. Less than twenty-five percent of these are being taken care of by our colleges and universities. A small number are being employed. The balance are dissatisfied, idle, and apparently unwanted by our society; they are a menace and a challenge. Those employed are taking the positions needed by older persons.

This statement went on to say that a far greater proportion should be in school, and asked for support for junior colleges so that the necessary educational facilities could be provided.

The 1935 legislature did nothing but maintain the status quo in financial assistance to the junior colleges. The budgets of the junior colleges ran from bad to desperate. Despite these difficulties, the total enrollment in the junior colleges rose approximately 10 per cent each year and they continued to render irreplaceable educational services to their communities.

In 1937 State legislative session, the junior college forces returned to the legislative front better organized. They were successful in getting a new junior college bill passed, only to have it vetoed by Governor Martin. This was Senate Bill #71, introduced by Senator Tucker of Lewis County, in which Centralia is located. In his opening address, Martin reported continued economic


progress in the state, but he claimed it was "unwise at this time to enlarge our educational program until a careful survey has been made by the Department of Education."\textsuperscript{31}

Later in 1937 Governor Martin directed the State Planning Commission to carry out the first state-wide study of the school system ever undertaken. The council retained a staff under the direction of Alonzo G. Grace to carry out a survey. The report of this survey, published in September, 1938, was of great significance both to the state's school system as a whole, and to the junior colleges in particular. In their letter transmitting the report to the governor, the council members stressed that the fundamental needs they found were first, equalization of educational opportunity, and secondly, the extension of vocational education.

The report elsewhere drew attention to the fact that families living in areas where there was no institution of higher learning were paying taxes equivalent to those living in Seattle or Bellingham, and were thus helping to support the state institutions located in the latter centers. This manifestly unfair situation, "this inequality of educational opportunity," could at least be partially redressed by the state support of established and to-be-established junior colleges in populous areas. The report also lined to the idea of educational equilization the need to provide vocational education for those not planning to attend institutions of higher learning; vocational education both at the secondary and post-secondary level. The report suggested that the latter might well be provided in the public

junior colleges, as well as special institutions of the technical school variety.\textsuperscript{32} Specifically, the council recommended:

That an experimental or testing period of at least six years be initiated for a program of limited state support; of the junior college, to enable it to offer both vocational and academic courses; of the thirteenth and fourteenth grades of the high school with like vocational and academic courses; and of the thirteenth and fourteenth grades of the high school limited to vocational education.

Not more than five junior colleges were to be included in this academic-vocational experiment, and it was recommended that they should receive twenty-five dollars a year for each academic student, and fifty dollars a year for each vocational student, with a total of not more than $12,000 a year going to any one institution. This plan anticipated that student tuition, private contributions and school support, or any combination of these would provide a total of approximately $150.00 per student. Thus, the report contemplated a total per year student cost of between $175.00 and $200.00\textsuperscript{33}

The effects of this report were to be seen in the successful junior college laws passed in 1941, 1943, and 1945; these followed another unsuccessful attempt to pass a junior college law in 1939.

The twenty-sixth biennial legislature convened in January, 1939, only to be greeted by a report from the governor describing a setback in the state's recovery from the depression. Washington had had a fair year in 1937, he stated, but 1938 had seen a sharp fall-off in business. Nevertheless, he strongly urged

\textsuperscript{32}Alonzo G. Grace, Director, A Survey of the Common Schools of Washington, (Olympia, Washington, 1938), pp. 50-56.

\textsuperscript{33}Ibid.
that the legislature act on the recommendations contained in the Grace survey report, described above, particularly "the plan for extending and broadening vocational education, and for limited state aid to junior colleges through an experimental period of six years."  

Representative John Pearsall of Aberdeen duly introduced House Bill #283 which, among other provisions, called for the establishment of junior college districts and state support of junior colleges. This bill was marked "do pass" by the House Education Committee and passed in the House by sixty-five votes to twenty-three. The Senate Education Committee likewise acted favorably on the measure, but that was as far as it progressed. The bill never reached the floor of the Senate, and the junior colleges were thus still without public support.  

The twenty-seventh session of the legislature in January, 1941, took place against a background of increased concern about the needs of national defense. The previous year $98,000 had been obtained through the U.S. Office of Education for the training of 2,838 workers to be employed in the state's shipbuilding and aircraft industries.  

During the course of his successful political campaign, incoming Governor Arthur B. Langlie had promised a junior college group that if a junior college bill

34 Washington, Senate Journal of the Twenty-Sixth Legislature, (January 9 to March 9, 1939), p. 27.  
35 Ibid.  
were successful, he would sign it. However, he was apparently not very enthusiastic about such legislation and, despite the urging of Representative Pearsall, sponsor of the unsuccessful 1939 bill, he did not mention junior colleges in his inaugural address. He did, however, at that time strongly support vocational education in the interests of national defense. 37

The bill introduced by Representative Pearsall actually combined support for both junior college and vocational education. It was described as House Bill #102, and it had an interesting career as it progressed successfully though the two houses. After being favorably approved by the House Education Committee, it went to the House Appropriations Committee, which marked it "do not pass."

This was apparently because of a single omission, because after the wording of the bill had been amended to specify that no debts of the junior colleges incurred prior to the passage of the bill might be paid out of public funds, it was allowed to come before the House, whose members passed it by a vote of sixty to thirty.

It was passed in the Senate only after another amendment. Some senators had apparently been impressed with the potential danger that junior colleges might represent to the four-year institutions located within their constituencies. The bill received favorable action only after the conditions under which a junior college might be founded were amended to read: "This act shall not apply in counties in which there is a recognized institution of higher learning capable of offering courses of study above the high school grade." 38

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38 Ibid.
in which existing institutions of higher learning were operating was there also a junior college. This was Spokane County, which contained Gonzaga University, Holy Names College, Whitworth College, and Eastern Washington College of Education, in addition to Spokane Junior College. The law meant that Spokane Junior College could not qualify for state support. After the United States was drawn into war, the needs of defense factories and the armed forces decimated its enrollment, and it closed its doors early in 1942.

The provisions of the important 1941 junior college law spelled out the scope of the institutions which sought to qualify under it. Junior colleges were to become part of the educational system of the state, and were to offer courses of study above high school grade organized into academic and vocational curricula of not more than two years in length, according to rules established by the State Board of Education and the State Board of Vocational Education respectively. Where there were junior colleges already in existence, the boards of those institutions might petition the State Board of Education for recognition as part of the state system. Where there was no junior college in existence, one hundred qualified voters or the local school board could petition the State Board of Education for one. If the State Board found justification for a new junior college, the governor would be so informed, and he in turn would appoint a non-paid board of trustees who would be instructed to set up the institution. The state was to provide seventy-five dollars per year for each general education student, one hundred dollars for each vocational education student, to a total of not more than $10,000 per year to each of not more than twelve institutions. It was emphasized
that state support was for operational purposes; it was to be the responsibility of
the residents of the area served by each junior college to provide suitable buildings
and equipment. 39

The existing junior colleges, with the exception of Spokane Junior
College, lost no time in applying for recognition under the new law. On June
17, 1941 the State Board of Education approved the recognition of the seven
junior colleges then operating, and gave contingent approval to an application
for a junior college to be located at Everett.

Probably the most important development during this period can be
summed up by the word consolidation. Slowly but surely, the colleges consolidated
their position in the educational pattern of the state, in the face of grievous economic
trials and apparent official indifference. As indicated in the last chapter, they had
started originally as a result of executive decisions of the school administrations
concerned. During the depression decade, they had come to look more and more
to their communities for inspiration and support. This tendency probably reached
its most obvious expression in the opening of Lower Columbia Junior College
almost entirely as a result of the efforts of lay enthusiasts in the community of
Longview. The decade also saw the state's junior colleges, hitherto acting somewhat
independently, further consolidate their position by organizing themselves into the
Washington Association of Junior Colleges. As an outcome of this consolidation,
and reinforced by solid community support, they were able to achieve state

39 George D. Strayer, "Public Education in Washington," (A report of
a survey of public education in the State of Washington, submitted to Governor
recognition in 1941.

In the eleven years from 1930 to 1941, Washington junior college enrollments had risen from a total of 497 in four institutions to a total of 1,519 in eight institutions. In only one year during the period (1932-33) did the total enrollment decline, and this reduction was more than made up for in the following year.

The average size of institutions rose from 124 students in 1930-31 to 189 in 1940-41. This made the size of student body comparable with junior colleges in small and medium-sized cities of the United States. 40

Community services began assisting those of limited means to obtain a college education during the depression. The state's junior colleges had succeeded notably in assisting young people in their respective communities; as cited above, they had been instrumental in raising considerably the number of those seeking higher education; 41 and approximately fifteen per cent of those entering junior colleges later transferred to senior institutions. In Centralia, for instance, the entire graduating class of 1934 and 1935 went on to four-year schools. However, the junior colleges continued to cater almost exclusively to a clientele represented by young people of normal college-attending age. There was little or no effort to offer the kind of adult education program which became increasingly needed as the country moved into participation in the second world war, even after the Grace report had strongly urged the inclusion of vocational


curricula.

In retrospect, it is difficult to see how most of the state's junior colleges managed to carry on through the depression years, so bad was their financial condition. The average expenditure was $1.16, while high schools of the state were spending $120. It is probable that several of the state's junior colleges were close to extinction at the time they became eligible for state support in 1941.

The superintendent of public instruction regarded the mere keeping open of the state's junior colleges of utmost importance to post-war planning. To meet the difficulties, referred to earlier, which some colleges were having in being able to claim the equivalent of the approximately one hundred full-time students needed to qualify for the maximum $10,000 of state support, the 1943 state legislature passed a bill making this a minimum. Thus any college which could manage to stay open could receive at least this amount. The superintendent of public instruction frankly stated this was the purpose of the change in the support law.

The State Board of Education junior college committee met with local


junior college committees to study the adjustments necessary to meet the post-war needs of education. The extensive studies conducted in this connection revealed that the senior institutions were generally satisfied with the academic work completed by transfer students, but had recommended that junior colleges confine their attention in this area to the basic foundation courses. This, the committee felt, would enable the junior colleges to devote more time to terminal curricula, both vocational and general. In line with the urgings of the superintendent of public instruction, the committee recommended much more attention be given to vocational education.\(^{45}\)

In 1944-1945 preoccupation with the problems of the returning veteran was intensified with the passage of the federal Servicemen's Readjustment Act. The federal government had already taken a big step in preparing for veteran students; in December, 1944, the State Board of Education approved all junior colleges for the training of veteran students under the provisions of public laws 346 and 16.\(^{46}\) A sprinkling of "G.I.s" were seen on the college campuses before the year was out.

In their meetings the junior colleges considered such questions as guidance, curricula, and job placement for veteran students.\(^{47}\) The State Board of Vocational Education was asked whether the junior colleges could participate in vocational programs under the provisions of the Smith-Hughes and George-Dean

\(^{45}\)Minutes of the State Board of Education, (June 26, 1944).

\(^{46}\)Strayer, op. cit., p. 33.

\(^{47}\)Dean's Report to the Board of Trustees, Everett Junior College, (September 19, 1944).
acts. The mere asking of this question was a significant step, considering the lack of interest hitherto shown by the junior colleges in vocational education, especially in the narrower meaning of the term vocational -- that is, bona fide trade education carried on in cooperation with federal and state vocational authorities, and trade committees.

As far as the junior colleges were concerned, the 1945 meeting of the legislature was another momentous one, as it passed a law which changed the face of Washington junior college organization almost as radically as the 1941 law had done. House Bill #262, which passed with an overwhelming majority, went much further than state recognition for junior colleges; it permitted them to elect to become part of the common school system; in effect, the thirteenth and fourteenth grades of public school districts. Both vocational and general education programs were recognized, and became eligible for double actual days attendance. The terms of the law were flexible, in that they permitted academic and vocational education, either in junior colleges or extended secondary programs, with certain restrictions to prevent the too rapid expansion of either. 48

Subsequent regulations issued by the State Board of Education clarified the various levels and types of programs permissible into the following: (1) approved pattern of special courses, either general education or specific vocational training, contemplated as occupational preparation in a limited number of fields by smaller schools; (2) approved community or city vocational schools, designed for larger communities needing extended secondary education, both academic and vocational,

48 Strayer, loc. cit.
for at least one hundred students in a minimum of five occupational fields; (3) approved junior colleges of the type existing, but merged with the local school district. At first there appeared an overlapping of the first two of these extended secondary programs with the function of the junior college. However, the regulations imposed one essential difference. The third or junior college type would, in addition to terminal education, provide a pattern of courses appropriate for transfer of credit to senior colleges and universities.

The passage of this legislation meant that junior colleges, if and when they became part of their local school districts, would presumably be just as eligible for building funds as would any other educational unit; in contrast, the 1941 law had specifically laid on the local community the burden of providing junior college buildings.

Although merging was not effected immediately, all nine junior colleges eventually elected to become affiliated with their local school districts.

It is very doubtful whether those lawmakers who first considered the idea of subsidizing those young men and women whose education had been interrupted by war service had any idea of the ultimate scope, abuse, and achievements of the Servicemen's Readjustment Act of 1944. Originally, the administration of President Roosevelt had cautiously visualized the prospect of providing a year's education for those under the age of twenty-five. By 1945, the Congress, on a surge of gratitude to returning veterans, had removed most restrictions enabling virtually everyone who had served in any capacity, to obtain some form of subsidized training. Veterans attending colleges and universities helped raise
the total of those enrolled from a pre-war total of one and a half million to over two million by 1946-47 and to two and a half million students in 1949-1950. 49

The Smith-Hughes Act, the George-Dean Act, the Servicemen's Readjustment Act and other federal legislation; coupled with Washington State legislation of 1945, opened the junior college doors to a flood of servicemen. There was an enrollment cutback in the state because of the Korean Conflict, but by 1955, college enrollments had again increased and had risen, in Washington, above the previous 1950 high.

The conclusion of the Korean Conflict and the passage of Public Law 550 brought a fresh group of veterans to the campuses. Between 1939 and 1954, degree granting public institutions increased enrollments by 80.9 per cent, while public junior colleges increased by 144.4 per cent. 50

Junior colleges did much to capitalize on the adult education experience they had gained, often under extreme pressure, during the war. Earlier the adult classes had accounted for about 15 per cent of the enrollments. By 1945 adult enrollments had increased to 64 per cent of junior college classes. 51

In Washington, adult education classes grew steadily in the post-war years in breadth of offerings, time and frequency offered, and in quality of instruction as teaching personnel began training especially for the adult field.

49 Mary Irwin, Editor, American Colleges and Universities, (Washington, D.C., 1956), p. 32.


Concurrent growth was felt in the community service area as the junior colleges began to develop a keener sense of community responsibility. Directors and teaching personnel assisted in areas the college had previously overlooked or felt no obligation; they acted as a library and audio-visual center for civic groups, offered broad counseling and guidance service, and provided speakers and cultural entertainment.

The post-war period and the early and mid-sixties were times of great growth, of more study and learning in the areas and methods of adult education, community service and vocational education. Divisions and areas of educational classification were more carefully delineated as the junior colleges matured. Some institutions organized with academic deans, adult education and community service deans, and vocational deans, all working under the direction of the college president.

Financing finally developed into a plan where the community college student drew twice the full-time equivalent (FTE) as the high school student drew in state financial support. During the middle and late fifties, and the sixties until 1967, the Washington community colleges suffered little shortages of funds and in some cases turned unspent funds back to the parent school districts.

As the colleges looked forward to the sweeping changes being planned in community college law for 1967, great thought was given to whether or not the colleges would fare better under the new proposed community college boards, or whether they would do better under the locally elected school boards under which they were operating. The various community colleges attitudes about this suggested change varied with the junior college relationships with their various school boards. In the twelve community colleges operating in this period, some
were indulged by their boards and others ran through the whole spectrum down to some boards who merely tolerated the community college in their district.
On April 3, 1967, Substitute House Bill #548, enacted in the extraordinary session of 1967, became law. The statute expressly noted that "this act shall be known and may be cited as the community college act of 1967."  

In broad and sweeping terms the legislature, in three succinct pages, deleted, amended and repealed what appeared to be every Washington law in any way effecting adult education, community service, vocational education, and academic classes in the community colleges. They also set up a completely new framework for implementing all administrative procedures from a new state board for community colleges, down through districts, presidents, deans and student body. The act also set up a new framework for all financial and procedural matters. 

The act contained a number of statements that clarified the position and statutes of the various educational fields normally handled by the community college. It placed the community college in the field of higher education in Washington, and in charge of public supported adult education throughout the state. Financing was to come from student fees and direct legislative appropriation.

The Community College Act of 1967 addressed the areas of academic

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1 Substitute House Bill #548 (1967) p. 3, lines 26-27.
transfer courses, adult education, realistic and practical courses in occupational
courses, both graded and ungraded; and community services of an educational,
cultural, and recreational nature. The needs of both the communities and students
were to be served by combining, with equal emphasis, the high standards of
excellence.

This referral to the words "with equal emphasis," resulted in problems not
yet resolved. Just what did the legislature intend or import with these words "equal
emphasis?" Did it mean an equal number of students in each category; equal
funding in each category; equal staffing and administrative leadership in each
category, or were they just words to be interpreted as each state community board
and college saw fit at any particular time or situation?

Dr. Albert A. Canfield took office as state director of the State Board
for Community Colleges in March, 1968. Dr. Canfield held his degree in psychology
and offered dynamic leadership by adopting and operating a policy that could be
described as coordinative and facilitative rather than directive. In line with his
philosophy, his staff remained relatively small in comparison with other governmental
agencies holding like responsibility. His staff numbered seven professionals by

The 1967 act provided that the community college board prepare a
comprehensive master plan, both short and long term, for the development of
community college education and training in the state. The board interpreted this
as a mandate to carry on a continuing process of long range planning as a means
of coordinating and stimulating the continual development of educational programs
in the state's twenty-two community college districts.

Dr. Albert Canfield conceived of this master plan as being presented in three parts - Volume I, contained historical background, a statement of philosophy and the major goals of the system. Volume II of the master plan described the system as it existed, summarized the state system's operation for the current year and provided a point of departure for the development of plans to be presented in Volume III. It was planned that Volume II of the master plan be updated each year. Dr. Canfield never saw Volume III. He did present his first report to the board as Volume I, "A Design for Excellence," December 17, 1969.

Canfield's report to the board, while quoting the responsibilities listed in the act regarding adult education and equal emphasis, provided little attention to these areas. His point of greatest thrust was economic, and did not mention cultural, recreational, and social aspects of life and training as were referred to in the community college act.

Dr. Canfield, however, was not unaware of the needs, breadth and depth of adult education and community service. In Canfield's major address to the Pacific Northwest Adult Education Association in 1969, he used as his text letters to him by the author concerning the great needs for adult education and the disparity of funding and equal emphasis. Whatever his personal feelings, little concrete action was ever taken to normalize adult education's position in the community college spectrum.

As the State Board began to develop its STANDARD POLICIES AND PROCEDURES MANUAL, one began to see certain emphasis of some areas of
community college responsibility, and a lessening of emphasis in other areas, i.e., adult education. As policy development continued, adult education, as such, began to be ignored completely though some of the course work was indeed legitimately in the adult education category. Mr. Richard G. Moe, a professional staff member of the community college board, was finally phased out of the adult education field and his work was parceled out to whomsoever might have interest in a particular area. Equal emphasis, for whatever its true meaning, ceased to be a part of the board's vocabulary.

Though the community college board was mandated by law to carry out all provisions of the community college act of 1967, it soon became apparent to the adult educators and deans of adult education that the area was being slighted.

The first financial apportionment showed rather clearly the weight given to adult education and community services. The financial return on college classes were placed on a formula: academic classes were rated at 1., vocational classes were rated at 1.5, adult education classes were rated at .5, community service classes (for adults) were rated at .0. In spite of the no monetary return from the state for community service classes, the state board and the local districts maintained that such community service classes, nevertheless, be run as a public service to the community. This placed an undue hardship on the dean and called for completely voluntary services in performing community service functions. Adult education classes also suffered since they received only one half the financial support of academic classes and one third the support of vocational classes.
As a result of this apportionment weighting, adult education and community service suffered greatly in the ability of the college to offer classes in these areas. Concurrent with this 1967-1969 adjustment period, a struggle began to develop between the state superintendent's office of public instruction, (K-12 program) and the community colleges for control of certain adult education classes. Historically, many high schools in the state had run adult education classes. The Community College Act of 1967 had placed all adult education under the community college aegis. High schools which had built special plants and supplied equipment for them were loathe to relinquish their programs and control. In the interim period from 1967 to 1969, the two offices devised a plan whereby the high school programs could be grandfathered into the community college system without losing their identity with the community they served. Under State Superintendent of Public Instruction, Dr. Louis Bruno, and his elected successor, State Superintendent Dr. Frank B. Brouillet (1972). Mr. Elmer E. Clausen, formerly adult education director of Clark College, was hired as Director of Adult Education and Community Schools and G.E.D. State Administrator by the State Superintendent's Office.

Mr. Clausen's office worked directly with the community college adult education deans or directors and under state and federal prescribed formulas which allocated funds for adult programs in the various high schools in the community college districts. These programs were in no way to be in conflict with the college adult education programs. The office of the Director of Adult Education and Community Schools, under the State Superintendent of Public Instruction, had
solidified its position and apparently it will continue to operate as constituted.

The adult programs generated from the Director of Adult Education and Community Schools are funded primarily from federal monies under Public Law 91-230 and all amendments including Public Law 93-380 through August 21, 1974. These public laws are referred to as the "adult education act."

The percentage of adults reached by the director of adult education in Washington is a small part of the total adult program offered by the state's community colleges. Mr. Clausen's office participates in the G.E.D. program and, in certain cases, the high school diploma. Since the community college also offers the adult high school diploma in its own name, most students elect to go the college route.

Within the older established community colleges, most of which had started as lower division junior colleges, was a rather obscure resistance to broadening the college's scope. Most faculty members came from the academe and had little respect for courses not linked directly to college transfer. To them adult education, community service and vocational education were relegated to that portion of the district population who were not really college material and hence it was beneath their dignity to try to teach them, or even to allow the classes on campus, lest they tarnish the academic image they cherished.

Most of the established institutions had policy making bodies, usually called instructional councils, which were made up of division chairmen and second level administrators. The usual representation on these councils were seven academicians and usually two others, one representing adult education and one, vocational education. With these kinds of odds on the college campus, adult
education and vocational education fared badly at the local level. New colleges formed during or after the 1967-1969 interim fared better, since staff was selected from instructors who were trained in, or at least sympathetic to, adult education, and community services, as well as having a sound academic background.

After a shake down period of two years, the existing community colleges had effected a transfer from local school districts to newly appointed college boards. By 1969, the state legislature had only a few changes to make in the 1967 law. These dealt primarily with adult education already alluded to in regard to the State Superintendent of Public Instruction and his adult education status, and a statement that community colleges are to remain as such and make no effort to change to four year schools.²

CHAPTER IV

FEDERAL FUNDING

The Smith-Hughes Act of 1917 was the first major assistance bill since the 1830's. The ending of World War I brought to the attention of the national congress the need to provide leadership and guidance in several vocational fields. These are spelled out in the act in some detail and set-up a procedure with the several states to implement it. The original thirty-five (35) sections are now reduced to eighteen (18) sections; some portions being repealed, others omitted or transferred to other later legislation.

The Smith-Hughes Act dealt with the teaching of agriculture trades, home economics and industrial subjects. The Act provided for specialized training of teachers and work experience in the trades, or unions in some cases. Renewal and retraining classes at specified periods were required to up-date certification.

A basic allotment of $3,000,000 is provided to be divided amongst the states provided no state shall receive less than $10,000 for any fiscal year. There shall be appropriated for each fiscal year $25,000 for each state, or as much there of as necessary which shall be used for the purpose of providing the minimum allotments to the states as provided for in this section.¹

The act also provided for supervisory committees to assist in the assessment of community vocational and trade and industrial needs, and for advising,

implementation and teaching of the programs.

The act required each state receiving funds to set up an approved program, according to the act's guidelines, for the receiving and disbursing funds, providing specialized training and certification for teachers and reporting back to congress by the Department of Health, Education and Welfare.

The act approved February 23, 1917, Ch. 114, 39 Stat. 920, classified the sections 11 to 15 and 16 to 28 of this title, shall be known as the Smith-Hughes Vocational Education Act. The 1917 act is also known as the Vocation Education Act of 1917.\(^2\)

In 1932, P.L. 302, the Emergency Relief and Construction Act, has as part of its contents the National Youth Administration (N.Y.A.), whereby twenty-five students were paid approximately thirty cents an hour for rendering various services for the colleges. The school could elect to employ twice as many students on a half-time basis. The N.Y.A. allowed many students to attend, or stay in college during the depression years who otherwise could not have obtained college training.

By 1936, the national congress passed the George-Dean Act. Public Law 673 appropriated $12,000,000 beginning July 1, 1937, for further development of vocational education. The funds were to be matched in 1937 by a 50 percent matching fund by the state. In succeeding years, the federal portion was reduced 10 percent so that after 1946, the state would bear all of the costs.

The George-Dean Act was aimed at the rural and also non-farm population, subsidizing teachers in both agricultural and technical vocations. This was the

\(^2\)Ibid.
beginning of distributive education. The act also dealt with home economics and part-time classes.

In the midst of World War II, in 1943, congress, on March 24th, passed Public Law 16. This act became known as the "Veterans Rehabilitation Act." It provided for:

persons who served after December 7, 1941 and prior to the cessation of hostilities to be trained or retrained in some vocational rehabilitation program, not to exceed four years, subject to the limitations of the Veterans Rehabilitation Act. If training is to be in industrial plants, it must be bona-fide plant training programs and not just a means to use trainees for profit.  

Public Law 584, later incorporated into P.L. 457, came to be known as the Surplus Property Act. Under section 13, sub-title (1) (A) "surplus property that is appropriate for school, classroom or other educational use may be sold or leased to the states and their political subdivisions and instrumentalities, and tax supported institutions, . . ." The schools of the State of Washington made much use of this act, using it to supply various vocational academic, and adult education laboratories.

Again in 1944, congress passed P. L. 346, Serviceman's Readjustment Assistance Act. "to provide federal government aid for the readjustment in civilian life of returning World War II veterans." This was the famous "G.I." Bill. It paid a subsistence to the veteran while in school, paid his tuition, books,

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3Public Law 16, Vocational Rehabilitation Act, March 24, 1943, 7861 .
4Public Law 584 (457), Surplus Property Act, October 3, 1944, 58 Stat3 .
5Public Law 346, Servicemen's Readjustment Act, June 22, 1944 17673 .
laboratory fees and other school expenses, but not board and room. The serviceman was to start school within two years of the end of the war and the grant was good for up to seven years after the war. The school he attended had to be approved by the Veterans Administration and reporting was made back to this agency on student's progress.

The Vocational Act of 1946, usually referred to as the George-Barden Act, dealt with vocational education. The act provided for annual funding of $10,000,000 for vocational education in agriculture, $8,000,000 for vocational home economics, $8,000,000 for trades and industries, $2,500,000 for distributive education. These appropriations required matching funds from states in like amount.

The appropriation under the 1946 act was to be in addition to the funding under the Smith-Hughes Act and subject to the same rules and regulations for distribution as in the Smith-Hughes Act.

By the 1950's, congress began passing laws to cover various smaller adjustment housekeeping problems to more fully round out the major legislation of the 1940's. The passage of P.L. 815 assisted school districts impacted by federal activities, i.e., naval bases, air bases, etc. Essentially this bill covered most of the education costs involved in teaching students who came into the district as a direct, in some instances, indirect result of some type of military or other federal installation. This act, several times revised, still obtains today in areas of federal impaction, as for example the Trident submarine base at Bangor, Washington.

Public Law 874 reiterated much of P.L. 815, but also provided for land
acquisition, buildings and maintenance of such properties as a result of federal impact on a community. Public Law 894, passed December 28, 1950, amended P.L. 16 and extended the vocational and schooling benefits of P.L. 16. This was done to include veterans of the Korean Conflict.

The National Science Foundation was founded by P.L. 507, in May of 1950. The law encouraged the pursuit of the national policy for the promotion of basic research and education in the sciences; to provide scholarships in mathematical, physical, medical, biological, engineering and other sciences. The junior colleges of the State of Washington, and hence its adults, were to profit by this act in the promotion of many levels of scientific careers.

In 1952, congress again rewrote parts of the veterans act in P.L. 550, entitled Veterans Re-adjustment Assistance Act of 1952. This act provided vocational re-adjustment and restored lost opportunities to certain persons who served in the armed forces on or after June 27, 1950 and prior to that date as shall be fixed by the president or the congress, and for other purposes.

Four years later, congress again acted favorably for veterans in P.L. 634, known as the War Orphans Educational Assistance Act of 1956. This act established an educational assistance program for children of servicemen who died in action or disease incurred in the line of duty during World War I, World War II, or the Korean Conflict. Many of these war orphans are now on college campuses in the state of Washington and some are being trained through adult programs.

Also in 1956, congress passed P.L. 1027, a law that paid for training personnel for the fishing industry. Since Washington State has a huge fishing
industry in coastal waters, it was helped greatly by this act; and, several coastal community colleges participated in this more unique adult program.

The National Defense Education Act of 1958 strengthened the national defense and encouraged and assisted in the expansion and improvement of educational programs to meet critical national needs. This act, as others preceding it, prohibited federal control of education.

By the 1960's, congress began to title their acts as Title I, II, etc. P.L. 87-415 was one of the first laws to go to the title designation. Under Title I of this law, it stated:

It is therefore the purpose of this act to require the federal government to appraise the manpower requirements and resources of the nation, and to develop and apply the information and methods needed to deal with the problems of unemployment resulting from automation and technological changes and other types of persistent unemployment.  

This law was one of the first written to combat recession and unrelated to war.

Public Law 88-204, an act to authorize assistance to public and other non-profit institutions of higher education in financing construction, rehabilitation or improvement of needed academic and related facilities. Under Title IV of this act, in section "g" under definitions, the law refers specifically to community colleges. This act in 1963 was the first recognition of the community colleges by congress, the author found.

Vocational education received another benefit in P.L. 88-210 on December 13, 1963, in an act to strengthen and improve the quality of vocational education. 

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6 Public Law 87-415, March 15, 1962 [76 Stat. 1]
education and to expand the vocational opportunities of the nation by extending for three years the National Defense Act of 1958 and Public Laws 815 and 874.

Congress again up-dated the veteran's children's educational training act in 1964 by inserting an amendment into the previous title 38, section 1701 (a) (1) United States Code. This amendment provided for all children of veterans permanently disabled or totally disabled from an injury or disease arising out of active military, naval or air service during a period of war or the induction period. The time period for student benefits was extended to five years from the period of students age from 18 to 23 years, whichever comes first from the time of death of the parent.

The Economic Opportunity Act of 1964 deals with the Job Corps program. This program was for citizens 18 to 22 years old and gave them an opportunity to serve their country in some needed, organized group within the United States. Enlistment in the Job Corps did not remove military responsibility. Job Corps personnel were paid a minimal subsistence wage, meals and quarters were provided.

Nursing received congressional attention through P.L. 88-581. The Nurses Training Act of 1964 really dealt with facilities for nurses training. The act deals with both rehabilitation of existing facilities or replacement and/or construction of new facilities for nurses training and thereby increase the opportunity for training of professional personnel.

Title 38, section 1501, 1971, P.L. 91-666, involved readjustments and related benefits and extended the time for which a veteran could receive educational and vocational benefits. No changes were basic, just the time frame. Though not
mentioned this title included veterans from the Vietnam incident of the sixties and extended benefits to those armed services personnel qualifying.

During the Nixon administration no adult education acts were passed with the exception of the 1968 Crime Control Act, updated in 1973 as Crime Control Act, P.L. 93-83, Stat. 197, 42 USC section 3701. This act established the Law Enforcement Association Administration (L.E.A.A.), which in turn established LEEP, the Law Enforcement Education Program.

A 1975 update of the Crime Control Act has kept this act alive. Literally hundreds of adult students entered the law enforcement field in the State of Washington under this act which was the greatest single contributor to community college enrollment in the 1970's. Students, including veterans, were trained in vocational, technical and academic courses and were granted two-year degrees in law enforcement. These degrees could be considered terminal or as the first two years of training toward a baccalaureate degree in some four-year institutions.

This was the federal government's first attempt to guarantee training and financial support in an effort to produce a highly trained group of personnel to combat crime in the United States. Students were trained in juvenile and criminal code, organization and management of police systems. They were trained in forensic science, patrol, report writing and the great multiplicity of learnings and skills necessary for the well-rounded officer.

Concurrent with these federal laws that affected adult education in community colleges of Washington were titles coming out of P.L. 87-415 and
P.L. 88-204, that supplied funding to the various states through Health, Education and Welfare for adult education carried on by the K-12 programs under the state plans promulgated by the various offices of State Superintendents of Public Instruction.

In the State of Washington, the State Superintendent of Public Instruction, Dr. Louis Bruno, authorized a plan for acceptance of these funds along nationally established guidelines. The State was obliged to match funds received from the federal government and to provide for their disbursement and the accounting thereof. In Washington, with adult education allocated to community colleges, care was taken in the state plan and in fund disbursement, not to interfere with adult education carried out by the local colleges.

Since many school districts had historically carried on adult education as part of their own community service, and since before 1967 many areas were not served by community colleges, a number of districts already had adult programs. A great deal of money was invested in facilities and personnel and the common school districts were loathe to simply void these programs and abdicate their leadership. A period of consultation and discussion from 1967-1969 was carried on between the offices of the Superintendent of Public Instruction and the State Board for Community Colleges with the result that the Office of the State Superintendent of Public Instruction could continue to operate its adult programs through the various community college districts. The S.P.I. office was in no way to interfere with the community colleges, but channel their funds, mostly for basic education, through the colleges. The following Table 2 shows the amount of federal funds distributed by H.E.W. nationally along with state matching funds for the years 1965 through 1974.
Table 2

Selected Statistics of Adult Education State Grant Programs in United States, Fiscal Years 1965-1974

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<td>49,693</td>
<td>41,534</td>
<td>37,992</td>
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<td>25,427</td>
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<td>State &amp; Local</td>
<td>132,493</td>
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<td>20,126</td>
<td>17,371</td>
<td>15,332</td>
<td>12,461</td>
<td>11,686</td>
<td>9,574</td>
<td>8,334</td>
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<td>Total</td>
<td>513,832</td>
<td>99,249</td>
<td>70,819</td>
<td>67,064</td>
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<td>50,453</td>
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<td>38,911</td>
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<tr>
<td>Enrollments</td>
<td>5,550,861</td>
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<td>820,514</td>
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<td>455,730</td>
<td>388,935</td>
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*Source: Adult Basic Education Program Statistics, NCES, DHEW Publications #(OE) 72-22 & #(OE) 74-11413
CHAPTER V

ADULT EDUCATION IN COMMUNITY COLLEGES
IN WASHINGTON IN THE 1970-1975 INTERIM

Laws after 1969 were merely housekeeping or clarifying laws and laws dealing with board-president-staff relationships. The initial thrust of law regarding adult education, community service, and vocational-technical education remained unchanged.

In the 1970's the state board asked the community colleges to try to achieve a ratio of 40 percent vocational and 60 percent academic. This was easily accomplished by merely renaming former academic courses as vocational; a paper and reporting transfer. Other minor legislation did not affect the community college programs per se, except as they dealt with personnel relations, accounting and reporting procedures.

During the early 1970's the original reimbursement ratios of 1. for academic, 1.5 for vocational, .5 for adult education and .0 for community service was slowly changed in the Standard Policies Manual at the board level, to, in their opinion, more accurately reflect the actual cost and value of each individual class or area. This shift implied that an arbitrary value could be placed on each subject area. This resulted in a highly diverse and complex reporting and accounting system. State support for each full-time equivalent (F.T.E.) dropped from approximately $1,300 in 1971 - 1972 biennium to approximately $800 per full-time student by

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1974-1975 school term.

This steady lowering of state support for community colleges meant a change in teacher-pupil ratio policy and a new hard look at curricular offerings. In order to survive, some teaching staff had to service class loads in excess of thirty, three times a day, or their equivalent. One of the basic premises used in the establishing community colleges was small class loads, approximately 17 to 20 students. This, it was believed, would encourage more student-faculty interchange, and extra help and counseling would be more easily available. In concert with this idea, the colleges were built with smaller classroom and laboratory facilities. The idea was quality, not quantity, and a close relationship between student and skilled teachers. As enrollments increased rapidly, more of these smaller units were added. Community colleges built for 1,200 students, which in the sixties were considered the ideal size, opened with 1,500 students the first year, 2,000-2,500 the next year and so on up until a number of colleges leveled out at about 5,000 day students and an equal or nearly equal evening enrollment.

As the F.T.E. apportionment from the state began to decrease as a result of lowering per pupil allotments from the state legislature, the community colleges, hampered by physical plants built to suit the original philosophies for small close-knit groups, were being faced with overcrowded classes, changing student, instructor, teaching, and counselings roles, and a number of other unforeseen problems.

The financial crisis facing the community colleges had also helped produce
a schism between administration and board, and the instructional faculty. As each side bulwarked its position, it became more and more difficult to get together to discuss mutual concerns on a rational basis. The community college system, especially with the state board securely barricaded in Olympia, evolved into a management and labor situation, foreign to the earlier concepts of the struggling colleges, where administrators and faculty worked together for survival.

The 1967-1969 laws called for official collective bargaining. In the last several years each side has accused the other of unilateral action, lack of good faith in bargaining, misuse of tenure laws and regulations, and other issue points. This sometimes hostile attitude, by one or both parties has undermined the goodwill and cooperation that existed during the founding period. This tension has progressed to the point where undue emphasis is placed on faculty-administrative relationships to the detriment of good educational planning.

Another point showing a lack of harmony so essential to a well-run program was the infiltration of the administrative area by persons untrained in administration and the working with people. These new administrators, fresh from disciplines such as English, sciences, history, or other areas were learning their new assignments in an on-the-job situation, sometimes with disastrous results. Some new administrators without adequate background in negotiations and personnel handling, made dictatorial, ill-considered or unwise decisions, going from crisis to crisis without bringing the instructional staff along with them in carefully considered short and long range planning. These conditions led to impasse situations from which no one could back down without losing face.
This lack of rapport between the administration and faculty led to a miscalculation of the real priorities; education and educational planning and services for each district's clientele.

The plight of adult education and community service is shown graphically in the Design for Excellence, Volume II, Washington State Community College System Master Plan, submitted by Dr. Albert A. Canfield to the Community College Board in 1970, where Canfield's office charts student full-time enrollments. In 1967, adult education and community service accounted for only 4.8 percent of the state's community college enrollments. By the year 1969, this portion of community college F.T.E.'s had dropped to 3.5 per cent of total enrollment.

The total F.T.E. figures for the student population were:

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<tr>
<th></th>
<th>Total Students</th>
<th>Academic</th>
<th>Vocational</th>
<th>Other</th>
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<tr>
<td>1967</td>
<td>42,124</td>
<td>28,826</td>
<td>11,259</td>
<td>2,042</td>
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<tr>
<td>1969</td>
<td>52,720</td>
<td>34,399</td>
<td>16,460</td>
<td>1,862</td>
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</table>

Canfield's projections through 1980 estimated a total enrollment by that year of approximately 200,000 persons. No percentage breakdowns were given, however the lack of attention given adult education in The Design for Excellence, Volumes I, II and III bodes ill for this aspect of the educational field.

The following are summaries of the Design For Excellence, Volumes I, II and III. No publication dates were given, but they were released in sequence by the State Board for Community Colleges, Olympia, Washington from 1970 to 1971. Each is called Design for Excellence, Washington State Community College
Part I of this document covered historical development and mission already referred to earlier in this text. Part II outlines the general goals and operating objectives of the state system of community colleges. The State Board for Community Colleges, as a result of the 1967 Community College Act, established the following seven major goals:

In Part II the general goals and operating objectives are outlined. The general goals of the community college system evolve from the legal responsibilities mandated by the Community College Act of 1967 and an analysis of the implied mission of the state-wide system of community colleges.

First articulated in Sensible Education for the 70's, the objectives of the new system have been refined as a result of more than two years of operation.

The seven following general goals represent the overall conceptual framework and philosophy of the state community college system in delivering educational services to the citizens of Washington. From each general goal, a number of objectives have been specified. These specific objectives for the most part are measurable and form the basis for the system's planning efforts, policies, and programs.

The State Board for Community College Education, in keeping with its legal responsibilities, has adopted the following goals to help provide an overall sense of direction for the system.
General Goals of the State System. The community colleges in the State of Washington will:

1. Make high quality community college education opportunities available in locations reasonably convenient to all Washington residents.

2. Maintain an "open door" policy by admitting all applicants within the limits of the law and the resources available to the system.

3. Offer the citizens of each district a fully comprehensive array of occupational, cultural, recreational, and academic programs designed to serve their interests, needs and aspirations.

4. Develop and employ innovative and imaginative approaches to instruction which will provide more efficient and effective learning by adapting to the needs, capabilities, and motivations of the individual.

5. Be active in the community and district, reaching beyond the campus to play an integral part in the functions of the communities and people they serve.

6. Employ management methods which will make the most effective use of available human and capital resources in providing the highest quality and quantity of education possible.

7. Develop organizational forms and operating procedures which will involve students, faculty, administrators, trustees and the community in the formation of policies and operating decisions that affect them.

DESIGN FOR EXCELLENCE

Washington State Community College System Master Plan

Volume II

System Status and Progress

Volume II is somewhat redundant in that it restates the goals and much of

the material in Volume I. It shows growth by going back to the years 1963-1965, where 86 percent of the enrollment was academic and .3 percent adult education up through 1967-1969 biennium, where academic showed 67.9 percent of the enrollment and adult education 3.7 percent of total enrollment. The balance of the students in both periods were enrolled in vocational education.

Volume II states the position of each college of the twenty-two districts during the period of 1966 through 1968. It deals with plant, faculty, curricular offerings, enrollments and expenditures. It attempts to show enrollment trends in each district. Of interest is that actual enrollment growth exceeded predicted growth.

About 80 percent of the community college operating support is appropriated by the State Legislature with the balance coming from tuition, fees and miscellaneous federal and local income.

The community colleges of the State of Washington will:

1. Make high quality community college educational opportunities available in locations reasonably convenient to all Washington residents.

2. Maintain an "open door" policy by admitting all applicants within the limits of the law and the resources available to the system.

3. Offer the citizens of each district a full comprehensive array of occupational, cultural, recreational, and academic programs designed to serve their interests, needs and aspirations.

4. Develop and employ innovative and imaginative approaches to instruction which will provide more efficient and effective learning by adapting to the needs, capabilities, and motivations of the individual.
5. Be active in the community and district, reaching beyond the campus to play an integral part in the functions of the communities and people they serve.

6. Employ management methods which will make the most effective use of available human and capital resources in providing the highest quality and quantity of education possible.

7. Develop organizational forms and operating procedures which will involve students, faculty, administrators, trustees and the community in the formation of policies and operating decisions that affect them.\(^2\)

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**DESIGN FOR EXCELLENCE**

Washington State Community College System Master Plan

Volume III

Long Range Development Requirements

Volume III gives the long range development requirements for community colleges. The period covered, from 1970 to 1980, shows an anticipated doubling of enrollment from 100,800 in 1970 to a projected enrollment of 199,400 in 1980. By 1975 enrollments were outstripping projections and funding per student by the state legislature was declining. Each college district presented its own forecast of growth, curricular offerings, plant needs and an operating dollar cost.

The districts did not foresee the inflation factor which was to take place, and so the financial resource requirements for the total state program began to fall short by the 1973-74, 1974-75 fiscal years.

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The following quotation from Volume III discloses the essence of its message:

Volume III is the statement of development plans and requirements of the system. This is the initial version of Volume III. It contains estimates of the operating and capital resources that will be necessary to support the development of an increasingly comprehensive, efficient and effective system for the provision of community college educational services during the coming decade.

It is imperative that estimates of long-range resource requirements be based on the best information available and on realistic plans for programs, services and educational centers. As system-level and district planning efforts produce revisions of projected needs and plans, this volume will be revised to reflect the latest and best estimates of system resources requirements.

The operating and capital construction needs of the community college system can best be understood in the perspective of its goals and objectives.

These goals and objectives are the foundation for the system's development. The extension of improved educational services to meet the needs of a larger segment of Washington's growing population will be dependent, in large measure, on the availability of resources. Volume III of the Master Plan describes the anticipated services required by the state and the resources requisite to those services.³

The three volumes of the Design for Excellence were put out under the name of the seven member Washington State Board for Community College Education. Dr. Albert Canfield was its first State Director. He was succeeded by Dr. Carl Mundt in 1970. The seven, and sometimes eight, member staff of the director carried out the actual work of planning and supervision in accord with the State Board's wishes.

After several beginning years of planning and leadership, the staff person assigned to adult education left the State Board staff and has not been replaced. Adult education was passed out to the remaining staff members as it might fall within their sphere of interest. This has left adult education at the state level leaderless at the present time, and could account in some measure for the lack of adult education input at the highest state level.

LEGAL ASPECTS, CASE LAW, AND STATE SCHOOL FUNDING

Since this study rests in part on the Northshore Case regarding the state's obligation in school funding, it was important to establish the precedent of case law from cases brought before the United States Supreme Court to show that common law, or common practice could not change our basic precept that constitutionality overrides all laws or practices that may be passed or created.

Three major United States Supreme Court decisions point out that law and common practice, no matter how longstanding, cannot abrogate the constitutional provisions of a United States government. Legality does not mean constitutionality. The Constitution is supreme. Whether it is interpreted conservatively or liberally is of little moment since either stance must be constitutional. United States' jurisprudence does fall back on common law where no other statement or law applies. Within the fifty states, some states allow common law to apply, others do not.

\[4\text{Northshore }\#42352, \text{ Wn. (1974) vs. George Kinnear et al. (See Appendix B)}\]
Washington State does not prohibit common law and it may be used where no statute or constitutional provision covers the area in question.

In Brown vs. the Board of Education, the case involved negro segregation within the public schools. Since the Civil War many states provided segregated schools for blacks. The phrase, "Separate but Equal" was coined to cover the resulting situation. Finally in 1936 the United States Supreme Court rendered a decision that said that while the schools were indeed separate, they were not equal. The Court went on to say there was abundant evidence that for over seventy-five years, the schools provided blacks were not equal, and this segregation by race was unconstitutional. As a result of the Brown decision, laws of numerous states and subdivisions were held unconstitutional and therefore void. The fact that some of these laws had been in effect for many years was of no consequence. The fourteenth amendment to the United States Constitution, with its equal protection clause, was the basis for the Brown decision.

In Miranda vs. Arizona in 1966 again the United States Supreme Court reaffirmed the Constitution by striking down literally hundreds of laws and rules of common practice. Many of these practices dated back to our beginnings as a nation. In a decision relating to rights of an individual, and based on the first, fourth, fifth and fourteenth amendments, the results were so far-reaching that law enforcement in the United States generally viewed it as a disaster. They

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5Brown vs. Board of Education (Mississippi), 297, U.S., 278 (1936).
maintained they could no longer function under the many restrictions laid down by the Court.

Miranda, as this decision was generally referred to, went much further than just stating a finding for the plaintiff. It set precedent by chastizing the lower courts, police and law enforcement generally. It spelled out in specific terms the individual rights and how law enforcement and the courts were to proceed, step by step, to protect these rights. Legislatures throughout the nation had to review their laws and pass new laws to bring state and federal action within the requirements of the United States Constitution.

In the Gault Decision7, Gerald Gault, a juvenile, was sentenced by a kindly gray haired judge to a six year incarceration for an offense; had he been an adult, would have been a fifty dollar fine. This decision by the United States Supreme Court freed Gault and changed the system nationwide for handling juveniles that had been in use for approximately sixty years. This system, begun in the north-central United States at the beginning of the twentieth century, deviated from the constitution. By common law practices and various legal but unconstitutional statutes, ordinances, and rules, legislatures and administrators had woven a fabric so entwined, based on judgments rather than individual rights, that disrupting it caused a huge void in the justice system for a large segment of our juvenile population.

In the Northshore Case\(^8\), the plaintiffs claimed that by practice of the Superintendent of Public Instruction, the schools were unequally and inadequately funded and therefore the system was unconstitutional. The Superintendent of Public Instruction promulgated rules and regulations as a result of legislative action that created this condition. The plaintiffs prayed the Washington Supreme Court declare the system unequal and hence unconstitutional. The State Supreme Court ruled, in a split decision, against the plaintiffs, and that the system, though unequal, was constitutional.

One of the arguments the court majority opinion put forth was changing the practices developed over the years would cause such a great upheaval in the financing system as to bring school funding into a chaotic situation that would distress the whole process. Another argument of the Court was in the definition of the word "paramount." The Court argued that paramount did not really mean most important, highest or first, but said that education must take its place amongst the other priority areas of state concern.

While the Northshore case concerned the K-12 program, it affected all education in Washington, since over the years, the legislature tended to place all educational financing in the same budget frame. Of direct interest also was that some adult education was carried on by the K-12 program, and so the decision had a partial direct impact on adult education and federal matching funds.

The Northshore case was of interest to Washington educational systems

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\(^8\) Northshore, loc. cit.
generally, since it was the first challenge to the state to finance education as a top priority item as defined in the state constitution. If education were truly a paramount duty of the state, and paramount carried both its current legal and popular definition, then surely the courts would have to rule to uphold the constitution and the paramount duty of the state would be to fund education adequately. The case carried implications far beyond the K-12 school program.

While state support for common schools was declining in the last decade, a similar decline took place in community colleges and adult education. This decline was hardest on the community colleges since all their monies came from the state legislature and tuition fees, while the common schools could turn to special levies to make up some of the shortage of school financing. This does not mean to imply whether or not special levies of school districts were constitutional, only to state what took place.

In the political and judicial arenas the Northshore case presented many interesting side lights as the general news media reported its progress. In the early stages, State Attorney General Slade Gorton was quoted as saying the state had the total responsibility of school support. By the time a year had passed, this same Attorney General was quoted by the media that the state had limited responsibility. Organized pressure groups began to influence the information made available to the general public until finally reform seemed like a bad thing.

The Northshore case lay in limbo for three years before it finally came to trial. By that time the once confident plaintiffs were feeling the pressure of maintaining the status quo. Business and industry, and state leaders spoke of the
heavy tax burdens that were sure to come if the state were to finance schools one hundred percent. It was under these kinds of terms that the State Supreme Court finally heard the "Northshore Case."

THE NORTHSHORE CASE NO. 42352

The Northshore School District #417 et al., Petitioners v. George Kinnear et al., Respondents case brought before the Washington State Supreme Court received an adverse ruling. This 1974 ruling was of extreme importance since it was the first constitutional challenge to the system developed over the years for funding Washington education. Washington's constitution regarding the state's responsibility to fund education, is the most specific of all the fifty states. In two previous trials, California and New Jersey, whose constitution's language regarding education is legally vague, the courts ruled it was the state's responsibility to adequately fund schools; both Washington's lay public and constitutional legal experts generally agreed the Supreme Court must rule favorably in the Northshore case. This was not to be.

In the adverse opinion only three justices concur in all statements of the opinion. Rosellini and Wright, J. J. and Weaver, J. Pro Tem., concur by separate opinions; Stafford, Utter, and Finley, J. J., dissent by separate opinions; Brachtenback, J., did not participate in the disposition of this case.

Since the majority opinion runs fifty-nine legal size pages, the author will summarize the findings to give an over-view of the court's actions, findings

9Northshore, loc. cit.
and comments. Because the Northshore case was the first ever brought in the
state to challenge school funding, and its implications are broad and the decision
possibly unconstitutional, the full text of the case is found in Appendix B.

Justice Rosellini, the apparent author of the adverse opinion, began the
opinion with ten (10) major points, many of which are debatable, are in
contradiction to the constitution or are different in semantics or violate the intent
of the Washington State Constitution which the framers in other writings and
comments explain why it was so documented. Since the Washington constitution,
written in 1889, was one of the last to enter the Union, the writers were especially
cognizant of the lack of mention of education as a state obligation, or of the
exceedingly vague language used in its reference, they wrote it is "the paramount
duty of the State to provide for . . ." In no other place in the constitution
is paramount used in singling out the duty of the state to perform a certain function.

Justice Rosellini's ten major points follow, quoted in full from his
dissenting opinion:

(1) Schools and School Districts—Education—Inadequate Programs—
Remedy. The proper remedy for correcting allegedly inadequate educational
programs which operate to deprive a student of equal educational opportunities
is an action in equity.

(2) Schools and School Districts—Funding—Assessed Valuations—
Equal Protection. Variations in the assessed valuation per pupil of property
utilized in the funding of the school system do not deprive taxpayers or
pupils of equal protection of the laws.

(3) Constitutional Law—Construction—In General. When construing
constitutional provisions the courts must strive to consider the entire document,

recognizing that each principle is of equal weight and should be construed so as to neither impair nor enjoy preference over another, and to accord each the meanings intended at the time of its adoption.

(4) Schools and School Districts--Education--Duty of State--Scope. The nature and extent of "the paramount duty" of the State, imposed by Const. art. 9, § 1, to amply provide for the nondiscriminatory education of all children is not exclusive. The State has other duties and responsibilities, some of equal and others of lesser importance. Responsibility for carrying out the duty rests with the legislature and the Superintendent of Public Instruction.

(5) Schools and School Districts--Constitutional Law--Education--Equal Protection. The privileges and immunities clause (Const. art. 1, § 12) does not impose a greater obligation upon the State to provide for the education of all children than the federal equal protection clause inasmuch as both provisions are construed alike.

(6) Constitutional Law--Equal Protection--In General. Statutory enactments that are not individuously discriminatory do not offend equal protection concepts.

(7) Schools and School Districts--Funding--Financing Method. The system of financing the public schools generally encompassed with RCW Title 28A and related statutes is constitutional and is a valid exercise of legislative power.

(8) Constitutional Law--Construction--Considerations. The courts may afford weight to long-standing legislative interpretations of constitutional provisions as well as consider events preceding and concurrent with the adoption of such provisions when construing them.

(9) Schools and School Districts--Education--State System--Validity. The validity of a state-wide uniform system of public schools is unaffected by variations in district sizes and tax bases and by a partial reliance upon local funding.

(10) Schools and School Districts--Education--State System--Uniformity. A general and uniform state-wide system of public schools is one in which every child has free access to certain standardized educational opportunities without regard to which particular district a child may attend school in and which provides children with common, fundamental, and basic educational skills.

The most stinging dissent was written by Justice Stafford, in which he said the court "has given birth to a legal pygmy of doubtful origin . . . thus, resting as it does on a shaky foundation the current comfortable 'solution' may be short lived." With rapier thrusts, Stafford goes on to challenge the cavalier manner by which the court brushed aside the trial court's finding of fact, and editorialized their own private staff member investigation and recommendation.

Somewhat like the Miranda Decision, in which the court departed from the usual differences in legal opinion, and castigated the lower courts and law enforcement generally, Stafford continued his tirade against the majority opinion that the schools were not the paramount responsibility of the state.

The court had ruled that (1) education was not the paramount duty of the state, (2) unequal education did exist but that was a matter of chance, (3) if the courts would disrupt the present school laws it would be years before order could be restored and, (4) the state could not really afford to carry the burden of education since it already had so many obligations.

The court also disregarded the trial court from which the case came (the supreme court can only review a trial court's findings for error in law or mishandling of a case). The Supreme Court hired its own investigator; a person from within the State Superintendent of Public Instruction Office, to explore the laws and situation as they currently existed and he brought forth testimony to support the present system. Stafford said this was a dangerous approach and could have unwarranted impact on judicial procedure far beyond the issues of the present case.

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12 Justice Stafford, No. 42352, Dissenting opinion (1974).
The supreme court is a review court to check constitutionality, never a trial court, refusing previous testimony, and retrying the case as a trial court, on its own made-up rules as the case proceeded, is beyond its jurisdiction.

Stafford took umbrage to this, and reported on this aspect, and also replied to the facts found by the original trial court and applied appropriate law thereto.

Students of constitutional law would have to agree with Stafford. So clearly was the constitution ignored, so clearly did the Supreme Court throw out the findings of the trial court, and so clearly did it overstep its own area of responsibility and retry the case in its own peculiar manner, that any prudent and careful man would invalidate the whole proceeding.

The semantics of the words, paramount duty, are perfectly clear to an average individual, yet the court held paramount had no significance.

As Stafford predicted, a new case is in the courts at the present time (1975) in which Seattle School District is seeking a ruling on the same issue. This case is couched in different terms and perhaps will allow the Supreme Court to reverse its findings and save some semblance of face.

If a ruling following the constitution as written, can be obtained, it will affect all public educational institutions in the state, including the community colleges and adult education.
CHAPTER VI

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS FOR FURTHER STUDY

Introduction. This study was prompted by the fact that no comprehensive investigation had been made into the laws and legal aspects for furnishing adult education for the citizens of Washington State. Federal and state laws were reviewed from 1889 to 1975. How these laws were used to promote adult education was reviewed.

The history of adult education, the laws and their application, the actions of the State Board for the community colleges of Washington, and court cases in preceding chapters serve as a basis for proposals for the further development of adult education in the State of Washington. These proposals form the basis for this final chapter which is divided into the following sections:

(1) A brief summary of the growth of adult education in junior and community colleges
(2) A survey of federal and state laws effecting adult education in community colleges
(3) Review of the Community College Act of 1967
(4) Excerpts from the State Board for Community College Education DESIGN FOR EXCELLENCE, Volumes I, II, and III
(5) State supreme court case regarding school funding
A BRIEF SUMMARY OF ADULT EDUCATION IN JUNIOR AND COMMUNITY COLLEGES

In Washington State the first junior college began in Everett in 1915. The program did not receive sufficient support to carry on and closed in 1923. Centralia opened the first permanent junior college in 1925. Junior colleges were established in local communities until in 1941 they numbered nine. The 1941 state law that gave some financial support, closed the junior college in Spokane because of a clause restricting more than one state supported institution of higher learning in any one county. Spokane county already had Eastern Washington State College.

These early colleges were primarily academic, lower division schools. Some adult education was carried on either by some adults enrolling in specific academic courses, or by special classes of short duration to meet adult needs. Some vocational courses were also offered to teach specific skills, but adult education as we view it today had not been defined.

With the advent of World War II in 1941, junior colleges were faced with training many adults for the war effort. Several junior colleges in urban areas found themselves with more adults seeking specialized training for war industries than normal college students seeking academic training. The war also decimated the young male college population by the draft or volunteer service. These pressures of war and special needs brought new concepts to the junior colleges and they were
never again to be purely academic.

As the war drew to a close and the national congress had passed Public Law 346 which subsidized veterans, the junior colleges received more than their share of students. In the State of Washington the 1945 legislature made the junior colleges eligible for state support through their school districts. The colleges grew from about one hundred students each to as many as several thousand students each in the space of a very few years.

Many of the returning veterans were college degree oriented, but as many were not, and were interested in various short-term vocational, technical and adult education goals. Thus a major educational concept came about, and the colleges changed and created curriculums that met with the multi-faceted needs and ambitions of its new type of student body.

The colleges enjoyed a period of growth and relative prosperity under the parent common school districts from 1945 until the Community College Act of 1967. As an arm of the common schools, most junior colleges were quite free to set programs, determine priorities and run schools that reflected community needs. Adult education began to be recognized as an integral part of the system. Some colleges carried as large a part-time staff, teaching adult and academic classes, as the full-time contracted day staff. Though the academicians still did not approve of less than college level classes, adult educators were able to develop more classes in adult education and a greater public following.

In the mid-sixties so great was the acceptance and support for community based colleges that the state legislature passed the Community College Act of 1967. ¹

¹ Loc. cit.
The act changed the name Junior College to Community College and provided that the new colleges indeed reflect the community by providing, with equal emphasis, education in three major fields, academic, vocational-technical, and adult education and community service. The act also provided for removing the colleges from the various common school districts and created twenty-two college districts which covered the entire state. New community college boards were appointed by the Governor and a transition period began. The Governor also appointed a State Board for Community College Education. the State Board hired a director who set about gathering in professional staff and implementing the Community College Act.

Dr. Albert Canfield, the State Board's first director, thought of himself as a facilitator and made no sweeping changes. He acknowledged the importance of community based colleges including adult education and community service. Adult education, while specifically assigned to the colleges, did not receive nearly as much attention as other areas, either from the State Board or its director.

By 1971, Director, Dr. Albert Canfield, resigned and was replaced by Dr. John Mundt, an educator and a corporation lawyer. Dr. Mundt continued the directorship of the State Board for Community College Education with a view to putting the system on a more business-like basis. Under his leadership financial and accounting matters were automated in a totally new "Procedures Manual" in an effort to refine and streamline the total operational system for community colleges. His leadership also went into class size, instructor loads, accountability and other areas aimed at more efficient operation of the colleges and districts.

The enthusiasm of the legislators who passed the 1967 Community College Act
began to wane as the state costs for the Community College system began to rise. This increased cost was due mainly to two factors, the "Open Door" policy which allowed anyone eighteen years old, or a high school graduate to enter a community college, and the continuous inflationary spiral.

The spreading of community colleges and adult education over the entire state vastly increased costs. These costs were augmented by yearly rises in the financial added expense of even maintaining the status quo. College building costs doubled in six years. Teaching salaries, though they did not keep up with cost of living increases, rose steadily. Other areas of government of the state increased proportionately. The costs of social services, pensions, unemployment compensation, incarceration of felons in state institutions doubled in cost from 1969 to 1975.

Washington State has a so-called regressive tax system. The major tax bases are, property taxes, sales taxes and the business and occupations tax. A wide range of lesser taxes are levied, i.e. liquor tax, cigarette tax, special licenses, etcetera, but these are incapable of balancing the budget. The state gasoline tax is ear-marked for roads only. The state needs to overhaul its whole taxing system and practice economies in its delivery of services. This situation of inadequate funds and too many service demands, leaves the state in 1975 in a near crisis position.

In spite of these severe financial conditions the community colleges have continued to operate at near peak capacity. Adult education has been able to hold its former position, but is not near the equal emphasis spelled out in state law.
A SURVEY OF FEDERAL AND STATE LAWS EFFECTING
ADULT EDUCATION IN COMMUNITY COLLEGES

The Washington State Constitution of 1889 did not make reference to
community colleges or adult education though it speaks of an educated populace.
Article IX, Sections 1 and 2 says it is the "Paramount Duty" of the State to provide
for the K-12 educational program, normal schools, vocational schools and others.
The educational article, Article IX, is the only place in the constitution where the
term paramount duty appears. The constitution framers were cognizant of the lack
of, or uncleanness of, language in other constitutions regarding a state's responsibility
for educating its populace. Their working notes showed their intent to make
Washington's Constitution clear on this point.

As schools spread throughout the state, special levies on property were
passed to supplement the state's contribution to the school districts. This supplemental
tax system to help support schools developed early. The state itself took no early
special interest in education beyond high school except for the standard normal
school, vocational school, and a university and a state college. Adult education
was carried on by some common school districts with courses aimed at general skills
and high school completion. As early as 1915 Everett School District began a
junior college for two years training beyond high school.

Junior colleges and adult education began to grow slowly in the late
twenties and early thirties as school districts added junior colleges. Official
recognition of the junior college was attempted in the Governor Martin administration
in 1937 when a bill was passed but vetoed by the governor. The session of 1939,
saw the failure of any state recognition, but in 1941 a law was passed recognizing and giving some support to junior colleges. In 1943 the state gave the colleges permanent status and support. By 1945, with veterans of World War II returning, the colleges and adult education were given an assist by the state legislature making their continuance assured and allowing them to receive federal funding.

The first federal statute of educational import in the twentieth century was the Smith-Hughes Act of 1917\(^2\). It was not created for adult education or community colleges, but was later applied. The Smith-Hughes Act implemented vocational education in the high schools and furnished training and guidance for teachers in the field. Though the Smith-Hughes Act was modified during the twenties, no new federal legislation affecting adult education occurred until Roosevelt's emergency relief measures in 1932. One of these measures provided for work for a limited number of needy college students. Students in junior colleges who qualified were thus able to earn part of their expenses and stay in school. In 1936 the United States Congress passed the George-Dean Act, P.L. 673, which was a vocational act aimed at both farm and urban people. This was the beginning of distributive education.

Much like the state government, the federal government was fairly inactive in student and educational help until World War II. In the midst of the war, in 1943, congress passed Public Law 16. This act became known as the "veterans Rehabilitation Act." In rapid order, Public Law 584 and P.L. 457, the surplus property act of 1944, and P.L. 346 the famous "G.I. Bill" were passed. Washington State responded with

\(^2\)Loc. cit.
legislation allowing the junior colleges to receive these students and their benefits.

The Federal Vocational Act of 1946, the George-Barden Act, dealt with vocational education in agriculture, home economics, trades and industries, and distributive education. These funds were to be in addition to the Smith-Hughes funds. The federal government dealt with impacted districts due to federal installations, the Korean Conflict, war orphans, fisheries and national defense. By the 1960's congress began to use the title designation instead of Public Law.

P.L. 87-415 was one of the first laws to go under the title designation. This law was the first since the war to deal not with war, but with recession and persistent unemployment. In 1963 the federal government under Title IV, section "G" first specifically mentioned Community Colleges. The ensuing sessions dealt with Jobs Corps, nursing facilities, up-dating veterans benefits and one new area, crime control.

During the Nixon administration no adult education laws were passed with the exception of the "Crime Control Act of 1968." It was up-dated in 1973 and again in 1975. The Crime Control Act for veterans and non-veterans, was the major piece of legislation by the federal government in the 1970's to contribute students in adult education to the community colleges. Under the Law Enforcement Education Program (LEEP) in Washington, hundreds of law enforcement personnel were retrained and several thousand were trained in broad two-year programs.

The federal laws concerning adult education and community colleges were quite specific in that they did not interfere with how education was carried on at the local level. Each law contained this policy. However each state had to present
an approved plan under which it was to accept funds. Much of the federal funding went directly to individual students, so they could afford to stay in school. Guidelines were established so that each student knew his position and his expectancy from the federal government.

Washington state laws were, in some cases, enabling acts, so the state and/or individual could receive his support. With the exception of the "Community College Act of 1967," which will be treated separately, Washington state passed primarily, clean-up and housekeeping laws covering the adult education and community college area in the seventies. The real control of the legislature over the colleges was through budget.

**REVIEW OF THE COMMUNITY COLLEGE ACT OF 1967**

"This act shall be known as and may be cited as the Community College Act of 1967."3 So begins Substitute House Bill No. 548 as it spells out in sixty-two pages, the nature, place and structure of the community college in the State of Washington.

Section 2. The purpose of this act is to provide for the dramatically increasing number of students requiring high standards of education either as a part of the continuing higher education program or for occupational training, by creating a new independent system of community colleges which will:

1. Offer an open door to every citizen, regardless of his academic background or experience, at a cost normally within his economic means;

2. Ensure that each community college district shall offer thoroughly comprehensive educational training and service programs to meet the needs of both the communities and students served by combining, with equal emphasis

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high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an education, cultural and recreational nature; .."\(^4\)

"Community College shall include where applicable, vocational-technical and adult education programs."\(^5\)

The Community College Act divided the state into twenty-two college districts, provided for a State Board for Community College Education, and for local boards, all appointed by the governor and approved by the senate. Financing for the system was to come, approximately eighty percent, by direct legislative appropriation and the remaining twenty percent from student fees.

The State Board for Community College education was also charged with making a Master Plan for all the colleges of the state. This plan, later produced in the Design for Excellence, was to provide for all aspects of community college service to the public with equal emphasis. The board was also responsible for buildings and capital improvements, overall integration of the system in curricular and fiscal management and short and long range planning to assure Washington State the best community college system in the nation. If the community colleges of the state fall short of these goals it is probably due to two major factors; lack of highest levels of leadership and understanding of the college's true educational mission, and the lack of finances to carry out college programs.

\(^4\)Ibid., p. 4.

\(^5\)Ibid., p. 5.
The Community College Act required that the State Board prepare reports on the current status of the community colleges, and short and long range plans, to assure that the state community colleges were indeed complying with the law and would in the future function in an organized manner to fulfill the mission of the community college as envisioned by the law. This was done in three volumes entitled DESIGN FOR EXCELLENCE under the directorship of Dr. Albert Canfield, and later Dr. John Mundt, both of whom were employed by the State Board for Community College Education as their executive director.

The three volumes were put out in pamphlet form during the years of 1970 and 1971, though no dates, or place of publication, appeared on any volume. They were published as board reports of the State Board for Community College Education.

Volume I of the State Master Plan dealt with historical beginnings and the conditions of the colleges in transition from 1967 to 1969.

Volume II of the State Master Plan covered the System Status and Progress. It actually covered much of the same material as Volume I, with its statistics gathered from 1963 through 1968. Some statistical charts showed a drop in enrollment in adult education after the Community College Act, other charts simply left adult education community services spaces blank.

Volume III gave the long range development requirements from the college term 1971-1972 through the term 1976-1977. At the time of publication, the statistics were all projections of the anticipated needs and growth of the various college districts.
In 1974 the State Supreme Court handed down a surprise ruling in the Northshore Case. Northshore et al prayed the Court, it rule unconstitional, the present state method for financing schools. The petitioners referred to Article IX, Sections 1 and 2 of the state constitution which said it was the paramount duty of the state to fund the common schools. For years the state had funded only part of the education costs with the remainder being made up by local districts in special levy elections. These special levies were on real property and were beginning to pose a financial hardship on property owners.

In a dissenting opinion to the plaintiffs, a split-decision denied the plaintiffs relief. The opinion went on to say that paramount duty had no significance over other areas of state service, that though funding was indeed unequal, that was a matter of chance, and that since the present system had gone on so long it was almost impossible to change it. The verdict stunned the schools, legal experts and the adverse opinion judge, who wrote a stinging rebuke.

The majority dissenting State Supreme Court justices ignored federal Supreme Court case law, as shown earlier in Chapter V, and based their decision on dissimilar cases which did not apply to the case at hand. They also engaged themselves as a trial court which they are not empowered to do.

Though the Northshore case dealt with the K-12 program it set a dangerous precedent for all educational funding in the state. The community colleges had

6 Loc. cit.
experienced a nearly forty percent per pupil reduction in support in the last three bienniums. Other higher education was experiencing similar problems. The state legislature had a tendency to place all education in the same financial category.

Seattle School District has brought a new case on the same funding problem. The district, representing three-quarters of a million people, will have a much greater impact. Should the court reverse itself in this second case, all Washington education will benefit including adult education.

CONCLUSIONS

Adult education in Washington State is not receiving equal emphasis with other areas of higher education. Adult education is assigned to the community colleges of the state, which report less than four percent of their earned enrollment in this area. Neither the State Board, nor the community colleges, seem concerned about this imbalance, and show no plan to bring adult education in the colleges up to the equal emphasis level as written into law.

Many factors of social and economic life in Washington contribute to this malaise of opinion about adult education. The average adult in Washington has an eleven-year plus education. A large proportion of the population looks toward an academic education rather than so-called "blue-collar" training, and the state reflects this in that it is not heavily industrialized. The leading state gross product is from agriculture, followed by tourism, lumbering, aircraft manufacturing and fishing. Though Washington has one-fifth of the nation's hydro-electric power, it lacks the other essentials to become a heavily industrialized area. It lacks
abundant, cheap raw materials, a supply of cheap labor, and a centralized location for inexpensive distribution of the goods of heavy industry.

By geographic location and a relatively highly educated public, Washington is better suited to more sophisticated industries, relying on trained individuals using education and technology rather than brawn. To achieve this end, education must proceed at all levels, especially adult education, to train and re-train the work force and to secure for the amenities of life available in the pacific northwest.

The great upsurge of optimism for education for the middle strata of our population in 1967 has been blunted by the huge rise in educational costs. Our state taxing system, fairly adequate in early times, now imposes an overwhelming and unequal burden on property and sales tax. Legislatures in the past have passed graduated net income taxes. They have been declared unconstitutional because the Constitution prohibits graduated tax levels. The legislature is now looking to a constitutional amendment to remove this restriction and to pass new taxes, graduated on the ability to pay. Washington is not an overtaxed state as a whole, but the tax distribution is unbalanced.

The legislature and the State Board for Community College Education needs to redefine adult education more nearly as our nationally recognized adult educators do. The state needs to recognize that education is not terminal, but an ever on-going process that deserves state support continuously at levels needed by the general public. The old system of placing a monitary value on any phase of education must be disgarded, and a new continuum and value system be introduced that will reflect the state's educational needs.
Adult educators of the state need to emphasize the need for continuing adult education. The spectrum of adult education is as broad as life. The skills and complexities of living and working, need to be learned. Our growing body of senior citizens need many kinds of attention. They need to learn useful as well as recreational skills. This area is also part of the adult education responsibility.

Unless more funding is provided in the future, and adult education is revitalized from the community college structure and the general public, adult education is likely to remain in its current status in the state. The trained professional adult educators and the voiceless people of the state who need help are not likely to be able to focus the attention necessary on the legislature and educational system to get enough input to bring any change in the near future.

RECOMMENDATIONS FOR FURTHER STUDY

The following four areas could reveal information to adult educators.

(a) Hard statistics are not easy to find on adult education in Washington. For one thing, adult education is illusively defined. A college by college study of adult education in Washington would establish a clearer picture of this educational area,

(b) Surveys of clientele of the various college districts could show the degree of need, and type of need for adult education. (c) A study could be devised to determine attitudes and support for adult education amongst legislators, members of the State Board for Community College Education and staff members of the board.

(d) Attitudes about classes in adult education from members, or former class members,
could lead to some insights as to the values of the class offerings.

The author would like to see further research into the "equal emphasis" for adult education and continuing education, as stated in the Community College Act of 1967. This study opened this area, but did not attempt to make a case for equal emphasis. It could be valuable to find out why some parts of a law are enforced more readily than others.
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6. Memorandum

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APPENDIX A
## APPENDIX A

### FEDERAL LEGISLATION AFFECTING ADULT AND CONTINUING EDUCATION IN THE STATE OF WASHINGTON

<table>
<thead>
<tr>
<th>Year Enacted</th>
<th>Law</th>
<th>Title</th>
<th>Area</th>
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<tr>
<td>1917</td>
<td>Public Law 347</td>
<td>Smith-Hughes Act</td>
<td>Vocational Education</td>
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<tr>
<td>1921</td>
<td>Public Law 702</td>
<td>George-Reed Act</td>
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<td>1932</td>
<td>Public Law 302</td>
<td>Emergency Relief and Construction Act</td>
<td>Capital Outlay Student Jobs</td>
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<td>1936</td>
<td>Public Law 673</td>
<td>George-Dean Act</td>
<td>Vocational Education</td>
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<td>1943</td>
<td>Public Law 16</td>
<td>Vocational Rehab.</td>
<td>Rehabilitation of Veterans of WWII</td>
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<td>1944</td>
<td>Public Law 584</td>
<td>Surplus Property Act</td>
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<td>Veteran's Educational</td>
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<td>1946</td>
<td>Public Law 586</td>
<td>George-Barden Act</td>
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<td>1950</td>
<td>Public Law 815</td>
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<td>School Construction</td>
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<td>1950</td>
<td>Public Law 874</td>
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<td>School Maintenance</td>
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<td>Public Law 507</td>
<td>National Science Foundation Act</td>
<td>Faculty Fellowships</td>
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<td>1951</td>
<td>Public Law 894</td>
<td>Vocational Rehab.</td>
<td>Rehabilitation of Korean (disabled) War Veterans</td>
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<td>1956</td>
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<td>Public Law 88-204</td>
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<td>1964</td>
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<td>1971</td>
<td>Public Law 91-666</td>
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<td>1973</td>
<td>Public Law 93-83</td>
<td>Crime Control Act</td>
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APPENDIX B

No. 42352
En Banc.

NORTHSHORE SCHOOL DISTRICT NO. 417 et al., Petitioners,
v. GEORGE KINNEAR et al., Respondents.

(1) Schools and School Districts—Education—Inadequate Programs—Remedy. The proper remedy for correcting allegedly inadequate educational programs which operate to deprive a student of equal educational opportunities is an action in equity.

(2) Schools and School Districts—Funding—Assessed Valuations—Equal Protection. Variations in the assessed valuation per pupil of property utilized in the funding of the school system do not deprive taxpayers or pupils of equal protection of the laws.

(3) Constitutional Law—Construction—In General. When construing constitutional provisions the courts must strive to consider the entire document, recognizing that each principle is of equal weight and should be construed so as to neither impair nor enjoy preference over another, and to accord each the meanings intended at the time of its adoption.

(4) Schools and School Districts—Education—Duty of State—Scope. The nature and extent of "the paramount duty" of the State, imposed
by Const. art. 9, § 1, to amply provide for the nondiscriminatory education of all children is not exclusive. The State has other duties and responsibilities, some of equal and others of lesser importance. Responsibility for carrying out the duty rests with the legislature and the Superintendent of Public Instruction.

(5) Schools and School Districts—Constitutional Law—Education—Equal Protection. The privileges and immunities clause (Const. art. 1, § 12) does not impose a greater obligation upon the State to provide for the education of all children than the federal equal protection clause inasmuch as both provisions are construed alike.

(6) Constitutional Law—Equal Protection—In General. Statutory enactments that are not individually discriminatory do not offend equal protection concepts.

(7) Schools and School Districts—Funding—Financing Method. The system of financing the public schools generally encompassed within RCW Title 28A and related statues is constitutional and is a valid exercise of legislative power.

(8) Constitutional Law—Construction—Considerations. The courts may afford weight to long-standing legislative interpretations of constitutional provisions as well as consider events preceding and concurrent with the adoption of such provisions when construing them.

(9) Schools and School Districts—Education—State System—Validity.
The validity of a state-wide uniform system of public schools is unaffected by variations in district sizes and tax bases and by a partial reliance upon local funding.

A general and uniform state-wide system of public schools is one in which every child has free access to certain standardized educational opportunities without regard to which particular district a child may attend school in and which provides children with common, fundamental, and basic educational skills.

(Note: Only 3 Justices concur in all of the above statements.)

Rosellini and Wright, JJ. and Weaver, J. Pro Tem., concur by separate opinions; Stafford, Utter, and Finley, JJ., dissent by separate opinions; Brachtenback, J., did not participate in the disposition of this case.

Application filed in the supreme Court April 7, 1972, for writs of mandamus and prohibition. Denied.
IN THE SUPREME COURT OF THE STATE OF WASHINGTON

NORTHSORE SCHOOL DISTRICT NO. 417; JOHN SUTHERLAND, individually; ROBERT F. SUTHERLAND, by JOHN SUTHERLAND, his guardian ad litem; RICHARD RAMSEY, individually; TODD R. RAMSEY, by RICHARD RAMSEY, his guardian ad litem; LAURA J. RAMSEY, by RICHARD RAMSEY, her guardian ad litem; JOHN SUTHERLAND, RICHARD LANCE, RICHARD RAMSEY, C. V. SMITH, and TED JOHNS, as the Board of Directors of NORTHSORE SCHOOL DISTRICT SNOHOMISH SCHOOL DISTRICT NO. 201; KIONA-BENTON SCHOOL DISTRICT NO. 52; LAKE WASHINGTON SCHOOL DISTRICT NO. 414; EDMONDS SCHOOL DISTRICT NO. 15; PORT TOWNSEND SCHOOL DISTRICT NO. 50; SNOHOMISH COUNTY SCHOOL DISTRICT NO. 4; (Lake Stevens Public Schools); CHENEY SCHOOL DISTRICT NO. 360; ISSAQUAH SCHOOL DISTRICT NO. 411; SULTAN SCHOOL DISTRICT NO. 311; FRANKLIN PIERCE SCHOOL DISTRICT NO. 402; HIGHLINE SCHOOL DISTRICT NO. 401; FEDERAL WAY SCHOOL DISTRICT NO. 210; EVERETT SCHOOL DISTRICT NO. 2; ARLINGTON SCHOOL DISTRICT NO. 16; GRANITE FALLS SCHOOL DISTRICT NO. 332; DONALD MORTON, KENNETH PEYTON, MRS. BONNIE H. POSTMA, JOHN D. DUNCAN, RON C. AVERY, GRANT J. SILVERNALE, MRS. SHIRLEY JOHNSON, MRS. C. J. GOODNER, RICHARD E. GARDNER, RICHARD D. ERICKSON, CURTIS MARTIN, MRS. SUSAN GOULD, ROBERT BERNARD, DESMOND NEFF, CHARLES GUNSTONE, JR., H. KENNETH CARTER, FRED MILLER et al. (a listing of 4 pages of school districts and individuals)

Petitioners,
GEORGE KINNEAR, as Director of Department of Revenue of the State of Washington; THE DEPARTMENT OF REVENUE, of the State of Washington; LOUIS BRUNO, as State Superintendent of Public Instruction of the State of Washington; ROBERT O'BRIEN, as Treasurer of the State of Washington; GRANT L. ANDERSON, MARK E. HOEHNE, EILEEN B. KALLES, WALTER H. LEWIS, MRS. FRED A. RÄDKE, HIRAM L. TUTTLE, H. EUGENE HALL, LEVY S. JOHNSTON, DWAIN R. KELIN, STANLEY LITTLE, JR., JAMES M. SPALDING, HAROLD WATKINS, OLLIE MAE WILSON, and WANDA T. LINDERMAN, as members of the Board of Education of the State of Washington; and THE STATE OF WASHINGTON, ROBERT GRAHAM, as Auditor of the State of Washington,

Respondents.

Filed DEC 16, 1974
Education is a bulwark of this democracy. A system of free public schools, like a system of open courts, not only helps make life worth living but sustains our long-cherished ideas of individual liberty. Where the nation's constitution provides for a system of open courts, however, it makes no mention of free public schools. The people of this state found this oversight unacceptable in 1889 when they brought Washington Territory into the Union. Not only did they establish a judicial system, but at the same time they provided for a system of free public schools, imposing then and there a duty upon the state to make ample provision for the education of all children within its borders.

Since statehood, the legislature has structured a comprehensive system of public schools, enacting, re-enacting, amending and repealing a detailed code for the funding, operating and maintaining of that system which includes a code for the employment, certification, and retirement of teachers and school administrators. It is a system administered by a superintendent of public instruction and a state board of education but puts direct responsibility and authority for actually operating the schools upon 320 separate school districts. The constitutionality of that system is now challenged.

Petitioners are 25 of the 320 school districts of this state, their directors, resident parents, taxpayers and children. They bring their original petition to this court for a writ of prohibition and mandamus to declare the state's system for funding its public schools unconstitutional and to prohibit state officers from collecting and disbursing public funds in support of it. So sweeping are the

1"WHEREFORE, Petitioners respectfully petition this Court as
demands that, if their petition were upheld, the schools would have to be closed unless the legislature redesigned and restructured the statutes for the funding and operation of the public school system in consonance with the requirements of the decisional law which would be laid down by this court in sustaining the petition.

For reasons now stated, we sustain the constitutionality of the laws creating, funding and maintaining the public schools and deny the petition.

Petitioners advance four arguments for unconstitutionality:

1. That the children of this state are denied equal protection of the laws in violation of the fourteenth amendment to the Constitution of the State of Washington because of the differences in assessed valuation per pupil of property within the several districts.

2. That taxpayers in districts with lower assessed valuation per pupil are denied equal protection of the law in violation of the fourteenth amendment to the United States Constitution and article 1, section 12 of the constitution of follows:

"A. That defendant-respondents, and each of them, be directed to reallocate the funds available for financial support of the school system, including, without limitation, funds derived from the taxation of real property, and to otherwise restructure the financing scheme in such a manner as not to violate the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and the constitution of the State of Washington.

"B. That defendant-respondents be prohibited from allocating the funds available for financial support of the school system, including funds derived from the taxation of real property, to be allocated and in such a manner as to violate the constitution of the State of Washington and the Equal Protection Clause of the United States Constitution.

"C. That the court declare that the financing scheme is void and without force or effect as repugnant to the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States and repugnant to the constitution of the State of Washington.
the State of Washington because the low assessed valuation compels them to pay a higher percentage of taxes to raise the same amount of money for the schools than do taxpayers in the high assessed valuation districts.

3. That the state system fails to make ample provision for the education of all children in the State of Washington as prescribed by Const. art. 9, § 1.

4. That the state has failed to provide a general and uniform system of public schools as prescribed by Const. art. 9, § 2.

It should be noted that all of the four contentions are directed not only to the entire present system of funding the public schools but they necessarily challenge the entire statutory code establishing the several districts and operating and maintaining the common schools of the state. The system for funding is merely the obverse side of the system for collecting and distributing the money and the two are so inextricably connected that the constitutionality of the one cannot be appraised without considering the other. For this reason, it is clear petitioners must, in order to challenge the funding system, include the spending system, for funding necessarily includes disbursements. Thus, the remedy sought must be deemed to include prohibition of collecting and disbursement of moneys for the operation of the presently existing system of public schools. Petitioners' challenge is thus sweeping, comprehensive and all-encompassing. It is not directed to any particular section or sections of the education code of this state but to the entire code embodied in RCW 28A.

More specifically, petitioners ask this court to issue writs of mandate and prohibition directing that state school monies be allocated among the school
districts on a different basis than now prevails; that the court direct that a new
and different scheme or system for school financing be established; that respondent
public officers be prohibited from allocating and distributing state school moneys to
the various districts in the assertedly unconstitutional way it is now done; and that
this court declare the present system and method of school financing and funding
unconstitutional and, therefore, void. This court can and should, it is claimed,
even if it grants the relief asked, retain jurisdiction of this case to afford the
respondent public officials and the legislature reasonable time in which to provide
a system of school funding and financing which will comply with the constitution.
What will happen to the schools of this state should the legislature fail to meet
these requirements is left to the imagination.

Respondents are various state officers whose official responsibilities, in
one way or another, affect the operation of the public schools of this state. They
include the superintendent of public instruction, the director of the Department of
Revenue, the State Treasurer, and the members of the State Board of Education.
The true respondent, of course, but not named as a party, is the state legislature
upon whom the main responsibility for funding the schools inevitably falls and
through whose enactments the whole school system now under challenge was created
and is now maintained.

Because this was an original application for prohibition and mandamus and
the parties could reach no agreement on the facts, this court referred the matter to
the Superior Court which heard evidence and entered findings of fact. The evidence
presented to the Superior Court consisted almost entirely of statistical data released
principally by the office of the superintendent of public instruction, with some from
the various school district offices, and the opinion evidence of experts explaining
or interpreting the statistical data. The statement of facts thus is in the form of
many tables, graphs, charts, diagrams, lists and numerical records, and the
testimony of professional experts in school affairs interpreting, interpolating and
explaining them. Thus, the court's findings from the very nature of the evidence
are largely matters of opinion, and this court is in an equally good position with
the Superior Court to examine the whole record for a determination of those facts
ultimately affecting the constitutionality of the state system of public schools.

Our responsibility in this case, as a court passing upon the constitutionality
of the common school system of the state, its funding, financing and operations, is
to stick to the issues and if possible avoid editorializing about the plight of the
schools and their needs, and we take it we should stifle the tendency normally
arising in a case of this sort to convey to the legislature and the board and the
superintendent of public instruction our view as to how the schools should be
maintained and the kinds of taxes which should be imposed and the ways the
revenues should be distributed to maintain them. We are concerned here with the
issues of constitutionality and nothing else arising from a challenge to the
statutory structure of the common school system of the state, a system embodied
in a comprehensive code of education (RCW 28A) and an administrative code
(WAC 180) implementing it.

Petitioners' contentions that they, as parents, children and school districts,
are deprived of equal protection of the laws, are based largely on the assertion
that comparative property values, being unequal among the 320 districts, inevitably reflect a disparity in the quality of educational opportunities among the districts. Districts having a higher assessed valuation per pupil, they say, have an easier time passing special school levies; since special school levies mean added revenue derived from added millage, the greater the appraised value, the more revenue from the same millage, and thus an even greater disparity, producing finally, it is argued, an inequality rising to unconstitutional proportions as the percentage of state funds declines with the increasing percentage of local funding. Thus, it is argued that the ratio of state contributions compared to local contributions renders the existing scheme unconstitutional. Expressed otherwise, as the local funding increases, largely through special levies in relation to state funds, the state's percentage inevitably decreases.

Before considering the factual data put into the record and the expert opinion concerning its meaning, there are a few basic concepts and facts of school funding upon which there is little or no disagreement. Article 9, section 2, of the state constitution does impose upon the state a duty to make available to every child within its borders the means for an ample education. The state now tried to do this by means of the state superintendent of public instruction, a state board of education, and the establishment of 320 school districts having locally elected and designated boards and administrators. The statutory code for operating the entire school system is principally contained in RCW 28A, various tax statutes, an administrative code, and statutes providing for the funding and operation of a teacher retirement system (RCW 41.32). The existing statutory structure funding
and operating the whole scheme began with statehood and ever since has been under continuing development and evolution by means of statutory enactments. Resort to the legislative history will show that in the past 50 years the legislature has rarely failed to make important amendments and changes in the statutory structure for funding and operating the common schools.

Under the existing statutory scheme, the two main sources of school money are funds from local property taxes and state funds contributed directly to all districts, guaranteeing a fixed amount per pupil to each district. Other sources come from "in lieu of tax receipts, real estate excises, state forest funds" and other minor sources of revenue. These latter do not materially affect the question of constitutionality for the issue here is the amount of state funds in relation to local property tax funds.

To achieve what the State Superintendent of Public Instruction deems to be a fair and equitable distribution of state moneys so that every district can afford to meet its basic needs for providing an ample educational opportunity, and at the same time recognizing that some districts must have more money than others to attain the same relative standards, a complicated formula for state contributions has been devised and is now applied by the State Superintendent of Public Instruction to distribute among the districts a guaranteed sum per weighted student based on a full year of 180 days. RCW 28A.41.130. At the risk of over-simplification, we describe it in most elemental terms:

In applying this statutory system for state funding, the state, under RCW 28A.41, guarantees to each district $365 each for what is professionally
described as a "weighted pupil." To determine what is a "weighted pupil," the superintendent's office applies a formula by taking the average yearly enrollment of the district, counting kindergarten children as one half, and makes increased allowance for educating different categories of students among the various districts. Among these variations are .3 to be added for each high school student; .2 for each vocational student. The formula also allows an extra .25 for interdistrict collaboration and cooperative services, and provides some additional amount to encourage in-service education and to upgrade the educational system by higher certification, and for academic degrees and experience in the educational staffs. Thus, the "weighted student" enrollment is different from the actual number of students in daily average attendance. It is this "weighted student" enrollment that is multiplied by the $365 guarantee which constitutes the state's contribution to the school funding system. By means of the "weighted student" enrollment formula, the state increases its contribution among all the 320 districts indiscriminately for those categories of students conceded among educators to require additional money to provide them with reasonably standardized educational opportunities.

Petitioners do not contend that the "weighted student" formula for distributing state moneys to the 320 districts is unconstitutional; and there is no serious argument that it is unsound or unfair. The formula recognizes that it costs more money apparently to provide a student with a vocational or high school education than for elementary or kindergarten training, and there are times, of course, when some districts will have a higher ratio of the former than do other
districts.

But that is not the end of the formula. The state also makes two deductions from that total fund realized by multiplying $365 times the number of "weighted students." It deducts 85 percent of the amount the school district would raise from 14 mills levied upon 25 percent of the fair market value of taxable real estate within the district; and it also deducts from the "weighted student" guarantee the amount each district raises from such items of revenue as "nonhigh receipts, in lieu of tax receipts, real estate excise taxes, state forest funds" and a few other small items of revenue. It reimburses all of the various districts for a high percentage of their costs of student transportation.

This, of course, represents only the most elementary picture of what is highly complicated but long standing procedure. Unless the existing system is unconstitutional, however, then all changes whether for better or worse must come from the legislature and cannot be initiated by this court.

Is the present system of funding and distributing the money for the public schools unconstitutional and, therefore, void? Has the state failed, and is it now failing, to discharge its duty to make ample provision for educating all children within its borders by means of a general and uniform system?

If petitioners are right in their contentions and the differences in assessed valuation per student among the districts engender an unconstitutional disparity, then special millage levies will enhance such disparities among the districts, and it then follows that special millage elections, emphasizing as they do the differences in property valuations, would also be intrinsically unconstitutional. No such
premise is established by this record.

In a record replete with graphs, charts, bulletins, tables, reports and other documents relating to the public schools of the state and particularly funding and disbursements, most of which were compiled from or consisted of data supplied by the Office of Superintendent of Public Instruction, along with the testimony of several experts in the field of education, there is no proof that this state has ever failed to discharge its paramount duty, as prescribed by Const., art. 9, § 1, 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." The closest any witness came to reaching such a conclusion was one who said that, after three successive millage failures, his district had to cut a number of courses and reorganize classes and curriculum and he thought this left his district below state standards. Significantly, petitioners' briefs make no point of this testimony nor even allude to it. There was no evidence that any child had been deprived of accreditation, promotion or admission to other schools because his district failed to meet state standards or that any student or parent had been forced to bring suit to compel his district to provide classes that met state standards. Nor was it shown that the office of the State Superintendent of Public Instruction had held any petitioner district to be substandard. Nor is it contended that any child in any petitioner district, or any other district for that matter, would be without remedy in the courts in particular cases for want of an ample opportunity for an education. Nor can one conclude from the evidence in this case that the legislature has failed to provide for a general and uniform system of public schools including common
schools and high schools and normal schools and technical schools as prescribed by Const. art. 9, § 2.

The case, as noted, comes here upon the original application of 25 of the state's 320 school districts, school directors, parents of school children, and children regularly enrolled in and attending the public schools of the respective petitioner districts. Absent from the case are the other 295 districts containing by far the greater majority of all school children in the state. We have had no trial in the true sense of the word. Petitioners ask this court by extraordinary writ for a sweeping decree of unconstitutionality to be directed against the entire public school system of the state. The record is notably silent as to what constitutes an ample opportunity for an education. Petitioners make virtually no showing whatever as to the standards or curriculum which is or ought to be necessary to meet the state's duty to provide a common school education for all children, and supply no comparative basis for a ruling as a matter of law that the state has not been and now is not discharging its paramount duty, or whether it is exceeding it. The entire case is thus based not upon curriculum deficiencies and lack of educational opportunities but rather upon financial and property valuation comparisons derived almost exclusively from statistical data, information and reports issued by the office of Superintendent of Public Instruction and the various school districts of the state and attendant charts, graphs and tables.

Petitioners' major claims of unconstitutionality, as indicated, are based on inequality in assessed valuation. Their claims do not arise, therefore, from asserted deficiencies in curriculum, but stem largely in this case from the idea
that districts with lower assessed valuation per student raise less money per mill in special levies, or are less inclined to vote the extra millages in special elections. Thus, it is argued the school funding statutes and scheme are unconstitutional because local property taxes represent a substantial part of school revenues; that disparities in these revenues develop among the various districts because they reflect differences in assessed valuation per student; that these differences in valuation in turn are reflected in both the amounts derived from special millage elections and the voters' general inclination in districts of low valuation to reject special millages. All of this, it is said, produces in turn unconstitutional inequality in educational opportunities available to children throughout the state. Differences arising from variances in local tax income per student, it is said, reflect unconstitutional differences in expenditures per student. Thus, the whole system, petitioners argue, is made unconstitutional because of claimed variances in educational opportunities stemming largely from differences in assessed valuation per student.

But the record does not bear out these claims of unconstitutional inequality of educational opportunity. There is no evidence whatever that one district or another provides unconstitutionally superior or unconstitutionally inferior opportunities; nor is there evidence as to which are the better or inferior of offending districts, if any, one way or another; nor is it denied that due to social, economic and demographic differences some districts will require substantially more money than others to provide approximately the same level of educational opportunities. Conclusions of fact resting largely as they do upon opinion and
conjecture and drawn from the statistical data in the record, as will be shown, do not sustain the assertion of unconstitutional failure of the state to fulfill its duty.

Mr. Francis Flerchinger, from the office of Superintendent of Public Instruction, with 11 years' experience in that work, testified that he had spent more than a year as a staff member of a committee studying the state school aid formula to determine whether there should be revisions in the school formula proposed. These studies, he said, had been continuous throughout the 11 years of his career, and it can be assumed as a matter of commonsense, that they have been going on at least for the last 40 or 50 years. The most current study in which he was then engaged, he said, had been initiated at the request of the state legislature.

Mr. Flerchinger testified that differentiations in assessed valuations had little or nothing to do with the quality of education supplied by the various districts. One criterion, he said, which is not controlling but significant is that which is called "basic expenditure per pupil." These basic expenditures:

are arrived at by subtracting from the total expenditures those items received by only some of the school districts including the expenditure for food services, transportation, all specially funded state and federal programs and those payments received for providing services to other school districts. The figure is then divided by the number of pupils.

He pointed out that the basic expenditures per pupil could and did vary to an extraordinary degree from a high of $4,517 per pupil down to $470 per pupil, but that the quality of education between the two districts might be about the same or the differences imperceptible. Thus, the Patterson District, with only 5 children
in the entire district, had the highest basic expenditure per pupil, but could not be said to be providing superior educational opportunities than those of all of the other districts whose similar expenditures per pupil were much lower.

Referring to some of the charts, graphs and exhibits, Mr. Flerchinger said that the mean basic expenditure per pupil per district for all 320 districts in the state was $819, that the existing standard deviation from the $819 was $292, and that 158 of the largest school districts in the state contained 95 percent of the state's school pupils. Adverting to the mean expenditure per pupil for these 158 districts containing the 95 percent of the school population, he said it amounted to $667 with the standard deviation of only $84 as contrasted with $292 from the $819 mean basic expenditure for all 320 districts.

In Mr. Flerchinger's judgment, illustrated by reference to the material contained in the graphs, charts and other exhibits, he explained why there is a difference in the ratio of certificated staff per 1,000 students among the school districts in Washington. Here is his testimony on that point:

Q. From your observation of the data contained in the study on public school financing and from your general experience with the public school system, do you have an opinion as to why the size of the enrollment in a district is the main factor which explains differences in the number of certificated staff per 1,000 students? A. It has to do with basically the availability of students. Patterson, the smallest district here, has a staffing ratio of 200 certificated staff for 1,000 pupils. They don't have 1,000 pupils, they have 5, and they have 1 staff member. And you just concentrate on this end of the graph, the smallest districts, you can see the staff going down, because when they add that additional pupil, when they go from 5 to 6, that is a very significant change in the staffing per 1,000 pupils and in fact carries on throughout this. It is not a uniform effect because there is a mixing of districts in here, both elementary and secondary, and the staff ratios are different between elementary and secondary.
He thus concluded that one of the primary determinants of the differences in the basic expenditures for the school children of the state is mainly a result of the variations in the number of certificated staff members per 1,000 students. He carried this analysis one step farther by saying that 75 percent of all the variations in expenditure per pupil in Washington are accounted for by differences in pay and the differences in the number of certificated staff per 1,000.

Revenue for the schools, Mr. Flerchinger said, comes almost entirely from seven sources: (1) local taxes; (2) county administered funds; (3) state funds; (4) federal funds; (5) nontax revenue receipts; (6) nonrevenue receipts; and (7) payments from other districts. From these funds, Mr. Flerchinger testified, of the moneys going to each district: 31.38 percent are accounted for by local taxes for the state as a whole; 2.7 percent are county administered funds; 53.59 percent are state funds; 6.40 percent are federal funds; .82 percent are nontax revenue receipts; 3.53 percent are nonrevenue receipts; and .02 percent are payments from other districts.

The state treasury by statute receives 2 mills from each district and sends this money back to the district, and these 2 mills account for an item of 4.56 percent included in the above 53.59 percent of state funds. Since the conclusions of fact to be drawn from the evidence consist in this case almost entirely of interpretations, evaluations and comparison of the statistical data issued regularly from the office of the State Superintendent of Public Instruction and the school districts, conclusions of constitutionality or unconstitutionality must be drawn from that same data. Petitioners' contentions, if sustained by this court, might
well operate to reduce the quality of education in the state by converting the
lowest common denominator, i.e. assessed valuation, into the highest common
denominator, and thus eliminate the major inducements for the various districts
by means of special millage elections to promote and elevate the status of its
schools above the minimum state standard.

Although the figures, depending upon how they are interpreted, may
show that state school funds in the past 12 years have dropped from about 62
percent of the total funding to about 50 percent at present, this decline is due
not to decreases in state funds but largely to increases in school funds from local
property taxes. Local tax revenues for the schools in this same 12-year period
have risen from about 22 percent of the whole to nearly 36 percent. The
significant part of this, however, is that funds from both sources have increased
enormously in the past 12 years, the changing ratio being due to the fact that
local school funds have increased more than state funds.

Differences in assessed valuation shown from the material before us have
little to do with meeting state standards of education. Enrollment, rather than
valuation, is the more significant key. Thus, for statistical purposes, the
principal graphs and tables received in evidence are based on data from the
158 largest districts out of the total 320 districts in the state. Their significance
is apparent when it is shown that these 158 districts contain 95 percent of the entire
school enrollment. Among these 158 districts, there is, said Mr. Flerchinger, a
standard deviation of .85, a point not fully explained in the testimony. In another
context, the total expenditure per pupil per district would be $819, but the mean
expenditure per pupil for the 158 of the large districts is $667. Thus Mr. Flerchinger, using the data and charts received in evidence as a basis for his conclusions as earlier indicated, testified as follows:

Q. Can you compare the data in Respondents' Graph No. 35 with Respondents' Graphs Nos. 28 and 29? A. Yes. Q. Have you? A. Yes, we have. We performed a calculation called a step which is multiple regression analysis, which is a method of arriving at relating the interrelationships of the, in this case the three variables in such a manner you have eliminated the complications of the other variables on the main variable. In this case we are attempting to shall we say account for the basic expenditure per pupil and the program selected, the computer selected as the two primary factors the average pay for certificated staff and a staffing ratio per 1,000 pupils as accounting for 75 percent of the variation in the expenditure per pupil. Q. So what you are saying is that 75 percent of all the variations in expenditure per pupil in Washington are accounted for by differences in pay and the differences in the number of certificated staff per 1,000? A. That's correct.

He testified accordingly that the basic expenditure per pupil, as evidenced by Graph No. 28 in evidence, would show little as to the differences in quality of education between large districts and small districts. When measuring the quality of the actual program conducted within the classroom there is, he said, "little that you can say from that graph."

Accordingly, he said, neither the teacher-student ratio nor the expenditures per pupil were adequate criteria for explaining or judging the quality of education a student is receiving in the various school districts of the state. Thus, alluding to a graph showing the relationship of expenditures per pupil assessed valuation, he said that the higher assessed valuation per pupil in the larger districts is generally associated with a declining student enrollment. The size of the district, as measured by enrollment he concluded, is the factor which most explains
the difference between assessed valuation per pupil. He testified:

If you divide assessed valuation . . . by the number of pupils in the district, the smaller districts are going to have the higher valuation. The other factor that comes in, of course, is the basic property within the district, the total valuation. But the divisor in that equation, that is the number of pupils, changes the other factors very significantly.

He concluded on this point:

If you are taking the state as a whole, the smaller districts in expenditure per pupil bear an inordinate weight on the computation of the correlation coefficient of .85 which is the relationship between those two variables, and if you analyzed the smaller 162 and actually play around for a moment with the enrollment by adding one or two pupils here or there, you can significantly change that, and so therefore you have to conclude from that that the enrollment or the number of pupils available in the district as the divisor of these two factors has a very strong significance on the expenditure per pupil and the assessed valuation per pupil, and therefore it provides a spurious relationship when you do a statistical analysis using these two variables.

Variations in expenditures per pupil and assessed valuation per pupil are both mathematical functions of enrollment -- a conclusion of ultimate fact inevitably to be drawn from the evidence in this case and as a matter of commonsense.

Referring to exhibit No. 53, Mr. Flerchinger testified that, if the expenditures for all 320 districts were considered, the mean or average per district for the 1970-71 year would be $819, but that the mean for the 158 larger districts comprising 95 percent of the school population would be $667. And, of these 158 districts, 86, or 54 percent, would be below the mean and 72 districts or 46 percent above it.
Dr. Larry Bundy, Director of Office and Management Systems, and formerly Administration and Finance Consultant in the office of the Superintendent of Public Instruction, agreed with Mr. Flerchinger's interpretation of all of the data put in evidence and his conclusions of fact from it. Speaking of the differences in assessed valuation per pupil and comparing these to the expenditures per pupil in all 320 districts, Dr. Bundy testified:

Q. Have you had occasion to compare and study the amounts of assessed valuation per pupil and compare them with expenditures per pupil between the different school districts of the State?
A. Yes, I have. Q. What have you found? A. Taking the three hundred twenty districts that existed, represented by the '70-'71 data, we observed that there was a fairly strong relationship between those factors looking at all the districts; however, if you break them into segments representing the first one hundred fifty-eight districts representing the bulk of the student population as the statistical population, then the relationship between those two factors is not nearly as great or nearly as statistically significant. Q. Would you say that there is not a significant relationship between assessed valuation per pupil and basic expenditure per pupil when one hundred fifty-eight school districts which contain ninety-five percent of the students of the State are compared? A. I would say there's a relatively insignificant relationship.

Then referring to the 158 districts which contain 95 percent of all students in the state, he testified as follows:

Q. (By Mr. Coats) Would you say that there is a significant relationship between the assessed valuation per pupil and basic expenditure per pupil when the one hundred fifty-eight school districts which contain ninety-five percent of the students of the State are compared? A. I would say there's a relatively insignificant relationship between those two factors concerning the one hundred fifty-eight districts. Q. Would you say the relationship between assessed valuation of property per pupil and basic expenditure per pupil in the one hundred sixty-two school districts which contain only five percent of the students is primarily explained by the small school districts' tendency to be sparsely
population and not by a causal connection between assessed valuation per pupil and basic expenditure per pupil? A. Yes. Q. Have you found from your study that there is any credible evidence which shows that a wealthy child or the child of wealthy parents has a better chance of having a high basic expenditure on his public education than a poor child or the child of poor parents in the State of Washington? A. No. 

Q. In your study, have you found any evidence which indicates that a wealthy person is more likely than a poor person to live in a school district with high assessed valuation per pupil? A. No.

Dr. Bundy testified categorically that, from his analysis of the relationship between assessed valuation per pupil and expenditures per pupil in Washington, a school district with high assessed valuation is not more likely to pass a special levy than a school district with low assessed valuation per pupil. He said he had made a systematic study of valuations, property and taxes and that not only was there no credible evidence that people from wealthy families tend to live in school districts with high assessed valuation per pupil, or that poor families tend to live in school districts with low assessed valuation per pupil but that his studies showed the exact opposite to be true. Using the state's largest district, that of Seattle, he made this clear. This evidence is convincingly demonstrated by a bar chart showing assessed valuation per student in 10 of the state's largest districts as follows:

<table>
<thead>
<tr>
<th>City</th>
<th>Assessed Valuation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seattle</td>
<td>$35,393</td>
</tr>
<tr>
<td>Spokane</td>
<td>$16,245</td>
</tr>
<tr>
<td>Tacoma</td>
<td>$17,518</td>
</tr>
<tr>
<td>Highline</td>
<td>$12,124</td>
</tr>
<tr>
<td>Edmonds</td>
<td>$12,394</td>
</tr>
<tr>
<td>Bellevue</td>
<td>$16,627</td>
</tr>
<tr>
<td>Shoreline</td>
<td>$13,964</td>
</tr>
</tbody>
</table>
The petitioners' whole case was based on the unconstitutional effect upon education stemming from differences in assessed valuation. But a glance at the above figures will demonstrate its fallacy. According to these samples, Seattle District, with an assessed valuation per pupil of $35,393 should be reveling in surplus of money, and Tacoma with about half that, at $17,518 virtually unable to open the school doors; by comparison, Bellevue School District with only $16,627 assessed valuation per student would be so substandard as to be unworthy of claiming a right to participate in discharging the state's paramount duty. Then of course, Federal Way at $8,757, when compared to the apparent opulence of Renton, at $29,154, would have to be classified as an educational disaster area.

Mr. Llewellyn O. Griffith, Administrative Consultant for Special Services, Office of State Superintendent of Public Instruction, testified that this state had accreditation standards issued yearly, but that they applied to high schools only. He said that the State Board of Education also "approved" public schools from kindergarten through grade 12, which presumably gives the state some authority in requiring that the schools meet certain minimum standards. There is, however, no recognized standard in use or yet devised for measuring precisely the quality of education a child is receiving in a given school district. Conceding the obvious, that money is essential to operating the schools, he testified that it is not easier to raise money by a special levy in districts that have a higher assessed valuation;
nor that it is more difficult to raise money by special levy in districts that have a
low assessed valuation. When asked by the court what would be the principal
factor in passing special levies, he testified:

This depends entirely upon the policy of the school district. In my
personal knowledge, in my opinion now, a good many districts set the
level of a special levy on the basis of interrogation of a few business
people downtown and what they will stand; they do not make that
judgment on the basis of what quality is required in that school in order
to give the pupils in that school a comparable education with the
district next door or elsewhere, and that is why I said that it is the
quality of the authority, their insight into what children need, their
feeling for children, rather than anything else that makes a good school
board.

Whatever disparities exist in the quality of education—and Mr. Griffith
did not in any way intimate that any district failed to meet the minimum standards
necessary to meet the state's paramount duty—stemmed, he said, not from variances
in assessed valuation, but from numerical differences in population. Pointing out
the main reason for differences, he said:

As long as we allow school districts to exist whose boundaries do
not encompass sufficient students to make a reasonable per pupil
expenditure, we will have bad education in pockets across the State.

There is no showing here that even the districts which seem to be in more-
dire financial straits than others have failed to meet those standards of educational
opportunity which can fairly be said to be embodied in the duty of the state.

The same lack of relationship between assessed valuation per student and
quality of educational opportunity appears in an examination of another bar graph
pertaining to and showing the assessed valuation per student among the following
districts:
Clover Park $10,784
Lake Washington $14,061
Kent $17,889
Everett $25,338
Yakima $15,559
Puyallup $11,896
Northshore $12,515
Central $10,441
Bellingham $17,109
Longview $34,060

Thus, Northshore has a substantially higher assessed valuation per student than either Clover Park or Puyallup or Central and a modest amount less than Lake Washington, and one can draw no rational conclusion whatever from these differences as to the degree, if any, by which one district or the other, if any, fails to provide adequate educational opportunities for the children within its borders.

Petitioners here make much of the truism that it takes more mills for a district of low assessed valuation to raise the same amount of school money than it does in a district with a high assessed valuation. Thus, according to one bar graph, 11.1 mills will raise $392.47 per enrolled pupil in Seattle; 24.2 mills to raise $211.71 in Federal Way; 24.4 mills to raise $296.33 in Highline; 15.9 mills to raise $278.12 in Tacoma, while 28.7 mills will raise $358.92 in Northshore. But these graphs repudiate the very basis upon which petitioners would have us void the school statutes. Even this very limited comparison of but 5 of 320 districts shows
that Northshore, by raising $358.92 from 28.7 mills is much better off financially
under petitioner’s theories than is Highline, for example, which raises only $296.33
from a 24.4 milage, and Federal Way which gets only $211.71 from 24.2 mills.

That the assessed valuation per pupil has little to do with the quality of
education is also demonstrated in the graph showing the number of certificated
personnel per 1,000 enrolled students: Northshore, one of petitioner districts, has
50.4 certificated personnel per 1,000 students whereas Shoreline district has only
39.6 certificated personnel per 1,000 students. Renton has 46.3 certificated
personnel per 1,000 students; Federal Way, 46.9; Kent, 48.7; Clover Park,
49.3; Edmonds, 50; Auburn, 50.7; Highline, 51.6; Lake Washington, 52.5;
Mercer Island, 54.9; Seattle 55.8; Issaquah, 55.8; Bellevue, 55.8; Tacoma,
56.4; and South Central, 56.5. According to this, petitioner Northshore is much
better off than Shoreline, Renton, Federal Way and Kent and about on a parity for
certificated personnel per 1,000 students with Clover Park, Edmonds, Auburn and
Highline.

These figures, taken largely from the Superintendent of Public Instruction’s
Office show conclusively that assessed valuation per pupil not only has little to do
with the quality of education in the enumerated districts, but that no decision as
to the equal protection of the laws nor the paramount duty to provide uniform
education can be based upon it. The significance of assessed valuation per pupil
is thus inconstant, tenuous, superficial and coincidental only.

Accordingly, petitioners' first claim of unconstitutionality, that children who
live in school districts with low assessed valuation of property per pupil are denied
equal protection of the laws contrary to the fourteenth amendment to the United States Constitution and Const. art. 1, § 12, and, therefore, are victims of the state's failure to discharge its paramount duty to them, is not only not supported by the evidentiary data in the case, but is essentially disproved by it.

The record also fails to vindicate petitioners' position that differences in assessed value among the districts denies equal protection to the taxpayer. That it takes more millage to raise the same amount of dollars on low valued property than it does on high valued property is no more than a meaningless truism and can be answered with another truism that the lower the value of one's property the lower one's taxes, neither truism having anything to do with the equal protection clause of both constitutions so long as everybody in the taxing scheme pays the same rate. Differences in assessed valuation per pupil among the various districts do not to a constitutional degree substantially affect the amounts of revenue per pupil available nor the amount expended per pupil; nor the cost per pupil in providing about the same quality of education throughout the state.

Disparities among the districts, it is shown in this record, arise not only from variances in revenue raised but in the necessary differences of money to be spent because: (1) Differences in appraisals of property for tax purposes by assessors may persist in the various counties. As between districts in different counties, a systematically high appraisal will produce more school revenue than a systematically low appraisal; (2) A lowering of the state's share has dropped from 59.2 percent of the total in 7 years to 49 percent, not because of a decrease in state appropriations but largely because the individual districts have put up
proportionately more from local taxes and special levies; (3) All things are relative and, short of abolishing separate districts and converting the state into one school district, the disparities in tax revenues from the various areas of the state will persist; (4) Converting the entire state into a single district will not alter the differences in expenditures necessary to provide a substantially uniform system affording reasonably equal educational opportunities in the different areas of the state for the obvious reason that costs per child will vary due to the infinite differences in geography, climate, terrain, social and economic conditions, transportation and special services, and local choice as to extra curriculum and special services to be made available in consonance with the state's minimal requirements.

Where one district may offer a richer program in music and dramatic arts, another may go beyond the state's requirements in science or social studies, or physical education or agriculture, and others may emphasize more than one field of student activity beyond the college preparatory phases. One district may supply a more comprehensive remedial program for physical, behavioral, and emotional problems, and another may provide less than some experts may deem to be minimal. These are choices which inhere in the idea of viable local participation in establishing, operating and funding the common schools. If these differences are of constitutional dimension, there exists a remedy in equity to compel the particular school district or the state in a particular case to provide such services, but that is not the remedy these petitioners are seeking.

Most of the data put into evidence, as earlier noted, came from the
office of the Superintendent of Public Instruction and some from the superintendents' offices of local school districts.

Even a cursory examination will show that the state has striven not only to discharge its paramount duty but, perhaps, to exceed it. Where local funds derived from all local revenues including $11-plus millions in real estate excises, $72-plus millions from local real and personal property taxes, and miscellaneous other local taxes totaled $106-plus millions in 1962-63, the state contribution was $209-plus millions for that year. In 10 years the total local funds derived from all local sources had climbed to $312-plus millions, but the state funds contributed to the common schools had at the same time escalated to $391-plus millions. One must remember that the local funds include taxes levied on property in the districts and 2 mills allocated by the legislature to the state and returned to the districts and not deemed a part of the state's contribution. Taking into consideration the components and sources of all revenues for the common schools, the state can prudently contend that it has surpassed the requirements of a paramount duty and by comparison has done as good, if not better, a job to meet theirs, particularly when there has been no evidence whatever that any child in the state is without opportunity for an education of a quality commensurate with the discharge of the state's paramount duty.

All things in life are relative and related, including school financing. Petitioners, in contending the whole structure for funding the common schools to be unconstitutional and, therefore, void because of the variances in assessed valuation per pupil, cannot avoid the implication that special millage levies
for the schools are unconstitutional, too. If they are correct in their first premise, the other necessarily follows for the simple reason that special millage levies in the several districts not only precisely reflect but commensurately enlarge the very disparities which petitioners say are unconstitutional. Unconstitutionality of special millage elections would necessarily follow if petitioners' theories are accepted despite the fact that provision for special levies is found in the constitution itself in Amendment 17 and Amendments 55 and 59 (Const. art. 7, § 2). If as the petitioners now assert, it is the variations in assessed valuation per pupil among the districts which makes existing school funding and expenditures and statutes unconstitutional, then special millage elections which create or enlarge these disparities are likewise unconstitutional.

We do not think that special millage elections are, under our constitution and the fourteenth amendment to the United States Constitution, or should be held unconstitutional by the courts and thus abolished. Resolution of such an issue must be left to the people through the amendment process. Although the legislature may devise other means of financing the schools, rendering special millage elections unnecessary and superfluous, we recognize that presently these elections have their place under the existing scheme of school funding.

Special millage elections are provided for in the state constitution. They not only are consistent with local participation in school administration but are the most vital and effective means by which the people of a given school district may maintain, improve and enhance the processes of education for their children without at the same time depriving the parents of children of other districts from
doing the same. Through special millage levies, people of one district may improve
the educational process without disparaging or denigrating that of another district.
Special millage elections are the only means now available by which a majority
of the people of the district may directly impose a tax on absentee owners of
property within the district or upon corporations, neither of which send children
to school in the district. Obviously, these are some of the considerations motivating
the people to write provisions for special millages into the state constitution and
keeping them in effect.

Aside from the undeniable fact that nothing in the school funding and
expenditure laws or statute structure prevents parents from freely moving from one
school district to another; or working in one district and living in another; or living
in one district and paying ad valorem taxes in one or more different districts—
all of which privileges make the parents members of several classes simultaneously—
the evidentiary materials show that there is no correlation between rich and poor
parents and high or low assessed valuation per pupil. Thus, districts of large
cities with massive industrial, rail and shipping complexes, office buildings, hotels,
and wholesale and retail establishments containing the visible wealth of an
industrial society and an enormous assessed valuation per student, may have more
poor parents per thousand than a neighboring district with low assessed valuation,
or vice versa. A small district but a high assessed valuation per student in
comparison to a nearby larger district with high per capita income and lower
assessed valuation per enrolled student. A decision of this court adopting petitioners'
position could well mandate a transfer of funds among districts so as to deprive
districts of high assessed valuation but which urgently need extra local support, and require these funds to be distributed to some districts which have little or no comparative need for them. And at the same time, such a decision could readily operate to either prohibit as unconstitutional or discourage as unwarranted that extra local support for the schools which, under the present scheme, can be provided only by special levies.

If, as petitioners assert, the statutory code for funding the schools is unconstitutional because of differences in the assessed valuation per student, then the most drastic steps must be taken by the legislature to avert a closing down of the system. Although other schemes may be available, we can think of at least seven sweeping changes in the statutory code that such a decision might demand:

1. Abolish all school districts and convert the state into a district of the whole; or

2. Abolish all special school levies, thus eliminating the root cause of so-called unconstitutional differences; or

3. Keep the separate districts but have all school moneys collected by the state and apportioned out among the districts on an equal basis per student so that each district will receive in dollars the same amount per child per day of attendance; or

4. Establish a lowest common denominator level of educational standards and prohibit individual districts from exceeding it by means of local funds; or

5. Revert to a system of education in the basic 3 R's to the eighth grade, thus assuring a kind of mathematical uniformity of standards throughout
the state; or

6. Redistrict the state into districts of approximately equal student population and apportion to each child an equal sum in dollars to be allocated by the state and at the same time prohibit local tax support; or

7. A combination of two or more or all of the above theoretical devices, including a redistribution of funds from districts with high assessed valuation among those with low valuations under a scheme sometimes described as power equalizing.

But whether to continue under the present statutory scheme or initiate a new one are decisions for the legislature and the Board of Education and the Superintendent of Public Instruction and not the courts. Suffice it to say we do not find that differences in assessed valuation operate to deprive taxpayers among the several districts to equal protection of the laws.

Petitioners next contend that, when section 1 of article 9 declares it to be "the paramount duty of the state to make ample provision for the education of all children" that expression must be given overwhelming and overriding application. They attach extreme import to the article "the" in the phrase "the paramount duty" and give it a significance we think far beyond the intent with which it was employed. As heavy as the duty may be acknowledged to be—and no one denies that free public education is one of the great responsibilities of the state—we cannot construe the phrase to have such indomitable consequences in relation to all other parts of the state constitution. We must, in ascertaining the intent and meaning of article 9, section 1, apply the generally accepted rules of constitutional interpretation.
It is a general rule of constitutional law that fundamental principles are of equal dignity and "neither must be so enforced as to nullify or substantially impair the other." Dick v. United States, 208 U.S. 340, 353, 52 L. Ed. 520, 28 S. Ct. 399 (1908). "(N)o constitutional guarantee enjoys preference, so none should suffer subordination or deletion." Ullmann v. United States, 350 U.S. 422, 428, 100 L. Ed. 511, 76 S. Ct. 497 (1956). Every statement in the state constitution must be interpreted in the light of the entire document, and not sequestered from it, and none is to be considered alone. Bower v. Big Horn Canal Ass'n, 77 Wyo. 80, 307 P. 2d 593 (1957); Runyon v. Smith, 308 Ky. 73, 212 S.W. 2d 520 (1948); Grantz v. Grauman, 302 S.W. 2d 364 (Ky. App. 1957).

Recourse should be had to the whole instrument. People of the State of New York ex rel. Balcom v. Mosher, 163 N.Y. 32, 57 N.E. 88 (1900). The court long ago said that the intent of the constitution must be derived from the instrument as a whole (State ex rel. State Capitol Comm'n v. Lister, 91 Wash. 9, 156 P. 858 (1916)), and the state constitution must be construed in the sense in which our framers understood it in 1889. In other words, "its meaning was fixed at the time it was adopted." Boeing Aircraft Co. v. Reconstruction Finance Corp., 25 WN 2d 652, 658, 171 P.2d 838 (1946). Thus, it is the function of this court, while giving full effect to all provisions of the constitution, to harmonize wherever possible any seeming conflicting provision so that the whole constitution is left intact.

Article 9, after declaring the duty, places it squarely upon the legislature and the Superintendent of Public Instruction and not upon the courts. Then, in that
same article 9, it enumerates the special funds which shall be devoted exclusively to public education. What constitutes ample provision for an education, according to article 9, shall be prescribed, therefore, not by the courts but by those organs of government to whom the task is allocated by the constitution with constitutional authority to utilize the designated funds in carrying out the duty.

No one connected with this case doubts the importance of education to the welfare of the people of this state, nor that it plays a vital role in the maintenance and furtherance of this democracy. But to give section 1, declaring the duty, the extreme significance contended for is another matter. We cannot hold this duty to be the be-all and end-all, the alpha and omega of state government. The state has other duties and responsibilities, some of equal and others of lesser importance, and the article "the" in the phrase the paramount duty, so masterfully emphasized by petitioners, must be kept in interpretive context first with the remaining sections of article 9 and then with the entire state constitution or it will overturn a major body of constitutional law in this state without any amendment to the constitution whatever. If, as their argument implies the term "the paramount duty" to make ample provision for the education of all children imposes a supreme and overriding duty upon the state to the denigration or reduction of all other duties constitutionally imposed or statutorily assumed, then it follows that any tax may be imposed and any public funds, whether from the gasoline tax, the courts, public assistance appropriations, retirement systems, and revenues from all fees, licenses and franchises may be preempted and allocated to the schools by decree of this court upon a declaration of "the paramount duty." This, of course, was not the intendment
of the constitution for the phrase "the paramount duty" must be construed in context with the rest of article 9 and the entire constitution which, for example, imposed a paramount duty upon the judges to administer justice, by creating the very system in which they are to serve, and the legislature to legislate, by creating that organ of government, and the Governor and other specified officers to administer and execute the laws according to the statutes by creating an executive department in article 3.

Granted then the great importance of education to the public welfare, it should be noted that the paramount duty to make ample provision for the education of all children within its borders, without distinction or preference on account of race, color, caste, or sex, makes the legislature primarily and the Superintendent of Public Instruction—a constitutional officer whose office is established by article 3, sections 1 and 3 of the constitution—and not the judiciary the determinants of whether and in what manner this paramount duty is to be discharged. On this point, the legislature has acted.

RCW 28A.04.120 sets forth the authority and duty of the State Board of Education in carrying out the state's constitutional duty to provide for an ample education, as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(4) Examine and accredit secondary schools and approve, subject to the provisions of RCW 28A.02.200, private and/or parochial schools carrying out a program for any or all of the grades one through twelve: Provided, That no public or private high schools shall be placed upon the accredited list so long as secret societies are knowingly allowed to exist among its students by school officials.
(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, and shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Prepare courses of instruction in physical education, and direct and enforce such instruction throughout the state, with the assistance of the school officials, intermediate school district superintendents and the boards of directors of the common schools.

(10) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

RCW 28A.04.130 states:

The state board of education is hereby empowered, and it shall be the duty of said board, to prescribe rules and regulations governing the classification and numbering system of school districts, except as otherwise provided by law.

We have never placed so sweeping and overriding an interpretation on the phrase "the paramount duty" as petitioners now urge. Thus, in Pacific Mfg. Co. v. School District No. 7, 6 Wash. 121, 3 p. 68 (1893), a statute imposing contingent liability on school districts having revenue from sources other than the common school fund established by article 9, section 3, was not held invalid but upheld.

It never occurred to this court at the time that this rule might impair the state's
capability in discharging "the paramount duty."

In State ex rel. DuPont-Fort Lewis School Dist. No. 7 v. Bruno, 62 Wn.2d 790, 384 P.2d 608 (1963), this court declared that article 9, section 1 of the state constitution "imposes upon the state the paramount duty of making adequate provision for the education of all children residing within its borders" but that section 2 "commands the legislature to provide a general and uniform system of public schools, and Art. 3, § 22 entrusts to the superintendent supervisory authority over all matters pertaining to the public schools." This court then made a comprehensive review of the entire statutory structure, citing most of the statutes which operated to create, maintain and operate the public school system, including those statutes establishing and providing for school districts, superintendents' offices, employment of teachers and administrative personnel, the preparation of school budgets, and a host of other things related to operating the public schools. We considered at that time the various powers of and limitation upon public officers having to do with school operation and administration. At no time in the consideration of that case was it suspected that the whole statutory structure for funding and disbursing school moneys was void for unconstitutionality or that the state was failing to discharge the paramount duty.

We have held too, that school districts have a right, under section 2, to receive state funds when appropriated by the legislature (Island County Committee on Assessment Ratios v. Department of Revenue, 81 Wn. 2d 193, 500 P.2d 756 (1972)), but not that added local funding renders the appropriation unconstitutional. Again, in Carroll v. Bruno, 81 Wn.2d 82, 499 P.2d 876 (1972), the statute
authorizing the state superintendent to treat 85 percent of the forest funds paid over the affected local districts as part of the state general scheme of equalization, in effect declared a great power in the state superintendent to prescribe the mode and method of state allocations and largely to implement statutes controlling the distribution of state equalization money. And this court passed directly on the question of whether the state could preempt local taxes for school purposes in Newman v. Schlarb, 184 Wash. 147, 153, 154, 50 P.2d 36 (1935), and in that opinion amplified the term "paramount duty." The question there was whether a county tax of 5 cents per day for each student violated either article 11, section 12, prohibiting the state from imposing taxes on counties for county purposes, or violated the equal protection provision of the Fourteenth Amendment. Holding the tax as one for state purposes and in discharge of a "paramount duty," the court said:

The state, being engaged in the exercise of a paramount duty, could, of course, select any method that it saw fit in order to discharge that duty. Consequently, it reserved to the proper state officers the general supervision of the system and entrusted to its various political subdivisions certain functions and details in which they were particularly interested and concerned.

Consequently, the state, through the legislature, may not only require such subdivisions to levy taxes for public purposes, but may also fix the amount to be levied by them, provided that such purposes, though of a general nature and for the benefit of the whole people, result in special benefits to the particular subdivision.

Thus, it is the legislature and the state superintendent upon whom the constitution and statutes impose the responsibility of discharging the paramount duty of the state (1) to make ample provision for the education of all children; (2) to prescribe and enforce the minimal standards necessary to constitute ample
provision; and (3) to allocate state equalization funds, however they may be described so that every child has access to a "general and uniform system of public schools" without "distinction or preference on account of race, color, caste, or sex."

A sensible construction of the meaning of "the paramount duty," therefore, is that, while it imposes a direct duty upon the state, the nature and extent of that duty and the means of carrying it out rest upon the legislature and the state superintendent. It means, too, that every child, in making use of the ample provision for an education, has a constitutional right to be free from discrimination or preferences accorded to others on account of race, color, caste, or sex in the discharge of that duty. Thus, although the state, under section 1, article 9, must assume the duty of making ample provision for the education of all children and is required to do so without discrimination as to race, sex, or national origin, constitutionally speaking that duty or function is the same as any other major duty or function of state government. It is to be discharged in consonance with the Fourteenth Amendment and our state's own equivalent thereof (article 1, section 12) for the two provisions in this jurisdiction have the same meaning.

Petitioners contend that, because of the paramount duty, the state's duty to administer the educational laws is so much greater under the state constitution that compliance with the Fourteenth Amendment may fall short of compliance with the state's own equal protection clause. We are of the opinion that the two provisions have the same significance and are to be construed alike. If the state's statutes controlling the funding and operation of the common schools are repugnant to the equal protection clause of the Fourteenth Amendment, they are similarly repugnant
to the equal protection clause, and vice versa. In stating this principle, we adhere to a line of precedent which has steadfastly held the privileges and immunities clause of the state constitution (article 1, section 12), to mean the same as the equal protection clause of the Fourteenth Amendment.

In Markham Advertising Co. v. State, 73 Wn.2d 405, 427, 439 P.2d 248 (1968), we said:

The plaintiffs contend that the Act is contrary to the equal protection clause of the fourteenth amendment to the federal constitution and the privileges and immunities clause of the state constitution, article 1, section 12. These provisions have the same import, and we apply them as one.

Quite recently, this court, despite dissenting opinions on other points, unanimously agreed on the point that the equal protection clause of the United State Constitution (Amendment Fourteen) and the privileges and immunities clause of Const., art. 1, § 12, should be applied as one in DeFunis v. Odegaard, 82 Wn.2d 11, 37, n. 16, 507 P.2d 1169 (1973). We were unanimous that this was a prevailing and long-standing rule of application, and one made inevitable in this jurisdiction by a long line of decisions.

In case after case, this court has given the same application to the equal privileges and immunities provisions of article 1, section 12, of the state constitution and the equal protection clause of the Fourteenth Amendment to the federal constitution and has given them both the same meaning. Thus, in Sparkman and McLean Co. v. Govan Inv. Trust, 78 Wn.2d 232 (1970), the court treated the two provisions as indistinguishable. Again, the State ex rel. Rhodes v. Cook, 72 Wn.2d 436, 441 433 P.2d 677 (1967), we thought the principle so well established and
free of argument that we felt it unnecessary to develop a supporting rationale and treated the two as one, saying:

The state and federal constitution provisions for equal protection of the laws require that class legislation must apply alike to all persons within a class, and that reasonable grounds for the distinction must exist between those within and those without a designated class. Clark v. Dwyer, 56 Wn.2d 425, 353 P.2d 941 (1960).


Declaring this principle, that both constitutional provisions have the same significance, leads inexorably to the principle that statutes do not offend either constitution unless they are invidiously discriminatory. Markham Advertising Co. v. State, supra; Seattle v. See, 67 Wn.2d 475, 408 P.2d 262 (1965). And the record does not show that any child in this state—much less petitioners' children—suffer an invidious discrimination; nor is it denied that, if such invidious discrimination exists, a remedy also is available by bringing suit in equity directly against the district or state to compel that the lacking opportunity be supplied.

On the question, then, of equal protection for taxpayers, school districts, parents and children under both constitutions, uniformity based on adjustments of assessed valuations per pupil, through one device or another, not only cannot be achieved but would be undesirable and would likely create great disparity in educational opportunities afforded by the several districts. Whatever variations in educational opportunities exist, as earlier shown, derive not mainly from variances in assessed valuation nor from the enactment, rejection or even failure to present special school millages but instead from the differences in the size of the districts,
their geography and location and the differences in the aspirations of the people of the district to provide opportunities beyond those encompassed in the paramount duty of the state.

That the state has, within the past 10 years, dropped its percentage of contributions to state school revenue is due not to any diminution in its purpose to carry out its paramount duty, but to increases in the local contributions. Thus, while the state's gross contributions have increased enormously, the districts' contributions have increased even more so that the ratio of state to local funds has changed.

The table of data at page 33, supra, supplied to the Clerk of this Court from the Office of the Superintendent of Public Instruction, publicly available and most of which is included in the data put into evidence, demonstrates the steady increase in state contributions vis-a-vis an even greater increase in local contributions. Parenthetically, even these comprehensive figures do not show the entire costs of operating the schools of this state, for they do not include the state's appropriation to the teachers' retirement system.²

An examination of these figures (table, page 33), starting with the school year 1964-65, and using round numbers, will show that the state contributed $215

²Following is data supplied to the Clerk of this Court from the Washington State Teachers' Retirement System showing legislative appropriations on behalf of the state for the teachers' retirement system in each of the past 10 years:

<table>
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<th>Year</th>
<th>Amount</th>
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<tr>
<td>1964-65</td>
<td>$13,697,000.00</td>
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<tr>
<td>1965-66</td>
<td>18,651,844.00</td>
</tr>
<tr>
<td>1966-67</td>
<td>19,093,529.00</td>
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<tr>
<td>1967-68</td>
<td>25,601,026.00</td>
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million out of a total of $363 million, and the local property including special levies contributed $93 million. During that year, with all other sources included in the total, such as the real-estate excise, federal funds and other local funds, the state put up 59.2 percent of the total. By 1969-70, however, despite a more than 50 percent increase in its contribution from 1964-65, i.e. from $215 million to $332 million of a grand total of $655 million, but its percentage of the total school expenditures dropped. Part of this reduced ratio is due to the enactment of the 2-mill law, i.e. 2 mills of real-estate revenue placed on local property and collected for the state and then redistributed by the state back to the several districts. But primarily the changing ratio between local funds and state funds is mainly due not to any reduction in the state's total contribution, which had in fact increased over 50 percent in the interim, but to an increase in special millage revenues from $32.6 million in 1964 to $97.8 million in 1969.

The ratio of state-to-local school revenues continued to change as the special millage total increased in 1973 to $199.8 million, even though the legislature steadfastly increased its total contributions year by year from $360 million in 1970-71 to $399 million in 1973-74. Steady increases in the special millage totals, federal funds, regular local taxes including the 2 mills collected by the state, culminating in a grand total of $907 million for the schools for the 1973-74

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<tr>
<td>1968-69</td>
<td>$21,809,588.00</td>
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<tr>
<td>1969-70</td>
<td>32,257,000.00</td>
</tr>
<tr>
<td>1970-71</td>
<td>29,263,006.36</td>
</tr>
<tr>
<td>1971-72</td>
<td>20,136,000.00</td>
</tr>
<tr>
<td>1972-73</td>
<td>35,978,000.00</td>
</tr>
<tr>
<td>1973-74</td>
<td>41,130,481.95</td>
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year, despite regular increased appropriations from the state, made a declining state ratio inevitable. Thus, despite nearly $400 million appropriated by the legislature, its percentage of the total, according to the table (page 33) dropped to 43.9 percent.

If, as petitioners contend, the differences created by the state's reduced percentage, despite steadily increasing contributions, make the whole system of funding unconstitutional and void, the remedy may not be to petitioners' liking: A drop of a hundred million dollars in special millage revenue from $219 million to $100 million will more than restore the state's ratio and increase its percentage well beyond 50 percent.

Not to be overlooked either is the factor of steadily rising state contributions to the common schools in the face of a steadily declining enrollment. Thus, according to Public School Enrollment by Grade, State of Washington Pocket Data Book, page 87 (1973), released by the Superintendent of Public Instruction, including kindergarten through grade 12, the school enrollment total of 804,753 in 1968 increased to 820,591 in 1969, but dropped to 817,712 in 1970, decreased to 805,049 in 1971, to 970,502 in 1972, and to 788,324 in 1973, and reduced to 785,457 in 1974.

Accordingly, recognizing the vital duties assumed by the state to educate the children within its borders, we conclude that the method of school financing now employed is constitutional and a valid exercise of legislative power. It is a system in nearly universal use throughout the nation for it is used in about 49 of the 50 states. It is, we think, a proper method of discharging that duty—both pragmatically, for it has met the tests of experience and usage, and constitutionally for it meets
the standard of the latest authoritative word on the subject as stated in San Antonio
Independent School Dist. v. Rodriquez, 411 U.S. 1, 36 L. Ed. 2d 16, 93 S. Ct.
1278 (1973).

Whether our state common school funding and disbursing system complies
with the Fourteenth Amendment and article 1, section 12, is as earlier concluded,
to be decided on the premise that both provisions have the same significance and
should be applied alike. This brings us to the leading case on the issue before us,
San Antonio Independent School Dist. v. Rodriquez, supra, a direct and controlling
ruling, we think, that state school funding and disbursement statutes such as ours
do not offend the equal protection clause of the federal constitution, and therefore
are not repugnant to this state's equal protection clause, article 1, section 12.

In that case, the United States Supreme Court reversed the judgment of
a 3-judge District Court which had held the Texas school finance system uncon­
stitutional under the equal protection clause of the Fourteenth Amendment. The trial
court found that, because a major source of operating revenue for the operation of the
public schools derived from local property taxes and the taxable wealth varied between
school districts, the children in the so-called "rich" districts had a greater chance
for high expenditures in their behalf than did the children in the so-called "poor"
districts. Reversing the District Court, and upholding the constitutionality of the
Texas school system, the court said, inter alia, at pages 23, 25 and 28:

Apart from the unsettled and disputed question whether the quality
of education may be determined by the amount of money expended for
it, a sufficient answer to appellees' argument is that, at least where
wealth is involved, the Equal Protection Clause does not require absolute
equality or precisely equal advantages. Nor, indeed, in view of the
infinite variables affecting the educational process, can any system assure equal quality of education except in the most relative sense . . .

For these two reasons—the absence of any evidence that the financing system discriminates against any definable category of "poor" people or that it results in the absolute deprivation of education—the disadvantaged class is not susceptible of identification in traditional terms . . .

We thus conclude that the Texas system does not operate to the peculiar disadvantage of any suspect class.

Characterizing the history of school financing in Texas as a perpetual state effort to enlarge and improve and expand public education, the court added, at page 39:

The Texas system of school financing is not unlike the federal legislation involved in Katzenbach (Katzenbach v. Morgan, 384, U.S. 641, 16 L. Ed. 2d 828, 86 S. Ct. 1717 (1966)) in this regard. Every step leading to the establishment of the system Texas utilizes today—including the decisions permitting localities to tax and expand locally, and creating and continuously expanding state aid—was implemented in an effort to extend public education and to improve its quality. Of course, every reform that benefits some more than others may be criticized for what it fails to accomplish. But, we think it plain that, in substance, the trust of the Texas system is affirmative and reformatory and, therefore, should be scrutinized under judicial principles sensitive to the nature of the State's efforts and to the rights reserved to the states under the Constitution.

Petitioners allude to Serrano v. Priest, 5 Cal. 3d 584, 96 Cal. Rptr. 601, 487 P.2d 1241 (1971), in which the Supreme Court of California had declared the school funding statutes of California unconstitutional under the Fourteenth Amendment's equal protection clause, but we do not accept this as a controlling precedent here. Whether the Serrano decision will operate to void and prohibit all local funding of the public schools cannot, of course, at this juncture be ascertained, but it portends that possibility if local funding continues in that state to engender what the court concluded to be a system providing far greater
educational opportunities in one district than it does in another. Nor do we think Robinson v. Cahill, 118 N.J. Super. 223, 287 A.2d 187 (1972), holding the New Jersey school funding system unconstitutional provides a controlling precedent for this jurisdiction.

Petitioners claim that the legislature has unconstitutionally failed to establish a "general and uniform system of public schools" as prescribed in article 9, section 2, of the state constitution. But, we find this position not well taken. That school districts vary in size and taxable property does not signify that the system of public schools is neither general nor uniform. In determining whether the state has provided what the framers of the constitution meant by a general and uniform system, we should give weight to legislative interpretation extending over a long period of time. State ex rel. Todd v. Yelle, 7 Wn. 2d 443, 110 P.2d 162 (1941). And, while not controlled by it, we ought to consider the history of events and proceedings preceding and contemporary to the adoption of the constitution. Yelle v. Bishop, 55 Wn. 2d 286, 347 P.2d 1081 (1959).

The first legislature after statehood enacted in 1889 an act to "establish a general uniform system of Common Schools in the State of Washington." Laws of 1889-90, ch. 12, p. 348, title of the Act. That very statute, the first in a long line, created a funding system for the support of the common schools similar to the present system now under challenge. Section 53 of that statute made provisions for "special taxes" of a nature resembling present special levies. That the public schools are partly funded with local property taxes does not deprive the system, we think, of those constitutional qualities described as general and uniform—for it is the system
which must be kept general and uniform under that provision and not the 320 districts. A general and uniform system, that is, a system which, within reasonable constitutional limits of equality, makes ample provision for the education of all children, cannot be based upon exact equality of funding per child because it takes more money in some districts per child to provide about the same level of educational opportunity than it does in others. Thus, the record shows that all states of the Union, except Hawaii, recognize that taxable property values per pupil vary among the districts because expenditures per pupil vary, too. Uniformity of size and property values among school districts is not necessary to satisfy the requirements of the Fourteenth Amendment (San Antonio Independent School Dist. v. Rodriguez, supra) nor are they essential, we think, to a general and uniform system.

Although we do not find the ruling of the California Supreme Court in Serrano v. Priest, supra, to have controlling effect in deciding whether Washington's statutory system for funding the public schools is constitutional, we think that court properly declared the law in deciding that the California system did not, under the constitution, lack uniformity. Answering an argument similar to that made by petitioners here as to the failure to provide a general and uniform system, the court in Serrano v. Priest, supra, said, at page 595:

We have held that the work "system," as used in article IX, section 5, implies a "unity of purpose as well as an entirety of operation, and the direction to the legislature to provide 'a' system of common schools means one system which shall be applicable to all the common schools within the state." (Kennedy v. Miller (1893) 97 Cal. 429, 432 (32 P. 558).) However, we have never interpreted the constitutional provision to require equal school spending; we have ruled only that the educational system must be uniform in terms of the prescribed course of study and educational progression from grade to grade. (Piper v. Big Pine School Dist. (1924) 193 Cal. 664, 669, 673 (226 P. 926).)
A general and uniform system, we think, is, at the present time, one in which every child in the state has free access to certain minimum and reasonably standardized educational and instructional facilities and opportunities to at least the 12th grade—a system administered with that degree of uniformity which enables a child to transfer from one district to another within the same grade without substantial loss of credit or standing and with access by each student of whatever grade to acquire those skills and training that are reasonably understood to be fundamental and basic to a sound education. We are of the opinion, therefore, that this record fails to show that the legislature has not provided and that the Superintendent of Public Instruction does not administer a general and uniform system of public schools in this state.

It is now both fashionable and customary in judicial circles, in discussing school financing, to point out the great purpose which the states have assumed to provide free public education, and how vital this is to a democratic society, and rarely can one be found who argues against free public education or denies its worth. Without repeating the premise in extenso, we agree with that view and all of its implications. What is lacking in this case, however, is proof that the state does not make available to any of petitioner children reasonably equal opportunity for an ample education; nor is it denied that if it be shown in a proper case that some children are deprived of this opportunity they are without a remedy to compel that the opportunity be afforded them. In concluding that the state's statutory system for funding and operating the public schools is constitutional and should be upheld, we do not hold that in a proper case the courts will not provide a remedy
for any child who shows that the state has failed to make ample provision for his or her education, free from all racial, religious or so-called caste distinction.

Petitioners' claim, that the entire statutory structure of public school funding and spending is unconstitutional and void, therefore, is not sustained.

The petition herein for writs of mandate and prohibition are, therefore, denied.

HALE, C. J.

WE CONCUR:
ROSELLINI, J. (concurring in the result)—I agree with the opinion of Chief Justice Hale insofar as it explores the provision and meaning of Const. art. 9 and concludes that this court has not been shown any constitutional ground for invalidating the system of financing public education in this state. I, therefore, concur in the result of that opinion.

I do not, however, concur in those portions of the opinion which would seem to suggest that the State is now providing "ample" education for all students. There is too much public opinion to the contrary and too many facts of which the members of this court are inescapably aware to justify such a conclusion.

We know that the failure of school levies in various districts has resulted in substantial impairment of the educational programs which were thought by those whose function it is to make such judgments to have been important and necessary programs. For instance, in one school district where school levies failed twice, approximately 130 teachers' contracts were not renewed (statutory terms for termination of services). In another district, approximately 142 teachers were terminated. This impairment has, of course, been the result of expressions of popular will by means of the franchise.

Were the schools financed entirely at the State level without dependence upon the local levies, there would, presumably, be an equal distribution of financial support for schools throughout the state.

Article 8, section 6, of the Washington Constitution, provides for a system
of levies at the local level, expressly including school district purposes as one of those for which municipal indebtedness may be incurred.

If a school levy fails, there may not be adequate funds to maintain an equal educational opportunity for all of its students. Then doubts arise as to whether the state has discharged its constitutional duty to provide "ample" education. Again, where the State's share of support for education is insufficient to the extent that school districts must depend disproportionately upon school levies for operation of its schools, a constitutional infirmity may exist.

It is my opinion, based upon what I have read and observed, that the State's contribution to the cost of educating children within its borders is inadequate. The question of adequacy is one of opinion, affected by many considerations. But, since the record does not clearly disclose this inadequacy, I believe that my proper function as a member of the judiciary is not to convert my personal opinion to a constitutional mandate.

For these reasons I would deny the relief sought in this action.

ROSELLINI, J.

I CONCUR,

WRIGHT, J.
WEAVER, J. (Pro Tempore) Concurring in the result.

I am discomforted, chagrined, and mortified by the language of the dissent that describes the majority opinion as "... a legal pygmy of doubtful origin ... that may be short lived" ... done in a "... cavalier manner ...".

On the other hand, there are certain subsidiary conclusions in the majority opinion that I do not believe necessary to the opinion and with which I do not agree. They are not, however, sufficient to deter me from my final conclusion: As I view and understand the record, petitioners have not established their case.

The petition herein for writs of mandate and prohibition should be denied; therefore, I concur in the result of the majority opinion.

WEAVER, J
Justice Pro Tempore
NO. 42352

STAFFORD, J. (Dissenting)1—This case encompasses the most important combination of constitutional, taxation and educational issues faced by the Supreme Court in its recent history. The decision has had a long, difficult, stormy, and oftentimes painful, period of gestation. Unfortunately, in the end, the opinion characterized as the majority has given birth to a legal pygmy of doubtful origin.

The result may give temporary solace to some because it will be easy to live with on a temporary basis. But, the majority opinion cannot withstand a critical analysis either factually or legally. Thus, resting as it does on a shaky foundation the current comfortable "solution" may be short lived.

Ordinarily, I would write a dissent touching only on the differences that exist in legal concepts. However, my review of the majority opinion makes it clear that such an approach will not disclose the full nature of the problem. In this instance I am concerned with more than a difference in legal concepts. I am troubled by the cavalier manner by which the majority has brushed aside the trial court's findings of fact. I am disturbed by the use of review tactics seldom experienced in appellate circles. Finally, I simply cannot accept the majority's ultimate favorable ruling on the constitutionality of financing our public schools, based as it is upon the use of appellate methods which have long since been held

Thus, I shall approach the analysis in two parts. The first will discuss generally the faulty approach of the majority that, in my opinion, may have an unwarranted impact upon judicial procedure far beyond the issues of this case. The second portion will present the matter based upon the facts actually found by the trial court, applying the appropriate law thereto.

A General Discussion

Initially, this court remanded the case to the trial court for a fact finding hearing. Pursuant to order, the trial judge held a lengthy hearing. Many witnesses testified, including experts, who opined about numerous statistical exhibits as well as other matters material to the issues before the court. Naturally, there was some conflicting testimony.

Thereafter, in the usual course of events, the trial court drafted a carefully considered set of findings of fact fully supported by the record. It is this set of findings that the majority has openly abandoned with an offhand assertion that the Supreme Court is "in an equally good position with the Superior Court to examine the whole record for a determination of those facts ultimately affecting the constitutionality of the state system of public schools."

The majority has cited no legal support for its asserted power to disregard the trial court's findings and for substituting therefore its own judgment. This is understandable because there is no legally supportable basis for such an arbitrary act. The majority's rejection of the trial court's findings rests on a misconstrued
and misconceived application of a rule wholly irrelevant to these proceedings. That rule permits an appellate court to substitute its findings for those of a trial court, if, rather than being partially oral, the testimony considered by the trial court consists of depositions,\(^1\) affidavits,\(^2\) a bare written record,\(^3\) or, in some instances, a written record from an inferior board or administrative agency.\(^4\) The foregoing rule recognizes that the trial court has not seen, heard or evaluated live testimony but has merely considered the same written record as the reviewing court. Thus, both courts are equally capable of determining the facts.\(^5\) However, this rule is inapplicable both in reason and in law where, as here, the trial court has seen the witnesses, has heard the testimony and has weighed and resolved it in making findings of fact. In such event the rule is exactly the opposite of that resorted to by the majority. The credibility and weight to be attached to testimony and to the contents of exhibits is for the trier of fact and not for an appellate court. Zillah Feed Yards, Inc. v. Carlisle, 72 Wn.2d 240, 432 P.2d 650 (1967); Unosawa v. Wright, 44 Wn.2d 777, 270 P.2d 975 (1954). This includes the testimony of expert


\(^{5}\)See Footnotes 1 through 4.

Contrary to the majority's unsupported assertion, the Supreme Court is not at liberty to reject a trial court's finds of fact "if evidence is present in the record to support the findings." Sylvester v. Imhoff, 81 Wn.2d 637, 639, 503 P.2d 734 (1972); Thorndike v. Hesperian Orchards, Inc., 54 Wn.2d 570, 343 P.2d 183 (1959); see also Mell v. Winslow, 49 Wn.2d 738, 306 P.2d 751 (1957). The record makes it clear that there was ample evidence to support the trial court's findings of fact. Further, I note with interest that the majority has rejected numerous findings despite the fact that respondents have assigned no error to many findings most basic and crucial to the dissent's position. Thus, they must be accepted as verities. State v. Reader's Digest Association, Inc., 81 Wn.2d 259, 264, 501 P.2d 290 (1972).

I must admit that if the trial court's findings of fact are ignored, the editorialized opinion of the majority, based upon selected testimony, presents what appears to be a plausible position. I also must concede there is some testimony in the record which supports what has been written by the majority. But, based upon the foregoing discussion it should be clear that it is one thing for an appellate opinion to be based upon mere testimony. It is quite another to rely upon the trial court's findings of fact. Not only do the critical facts related by the majority lack support in the trial court's findings of fact, they frequently run counter thereto. This distinction between the majority opinion and the dissent is crucial because in this state we still adhere to Thorndike v. Hesperian Orchards, Inc.,
supra. We must follow the trial court's findings of fact even though some of the testimony may seem to support a result that momentarily is more expedient.

Since the majority's decision requires rejection of the trial court's findings of fact, substituting therefor its own selective version of the facts based on selected testimony, the decision cannot stand under the above-cited law of this state.

The majority's assertion that the state's system of financing public schools is constitutional must be rejected for another important reason. It has been reached by an unconstitutional, arbitrary, usurpation of appellate power. Even if the Supreme Court is of the opinion that a trial court should have resolved a factual dispute in another way, the constitution does not authorize this court to substitute its findings for those of the trial court. Thorndike v. Hesperian Orchards, Inc., supra. To this I must add another statement; this court is not authorized to make findings of fact in either civil or criminal cases where the trial court has made none. State v. Marchand, 62 Wn.2d 767, 770, 384 P.2d 865 (1963).

If we resort to the procedural course suggested and used by the majority we might as well abandon Thorndike as well as reference hearings and begin trying factual issues in the Supreme Court. Of course to state the proposition is to refute it.

Before leaving the subject, I wish to make abundantly clear that every factual matter set forth in the dissent is supported by the trial court's findings of fact. Further, each finding of fact is supported by oral testimony or exhibits contained in the record. The same cannot be said of the majority opinion.
In passing, I must comment on another matter. The majority admittedly relies on some evidence apparently obtained by the clerk of the Supreme Court, presumably at the behest of the author of the majority opinion (see table, page 32, and the acknowledgment, page 47, as well as the table in footnote 2, page 47 and the acknowledgment). This adds a new dimension to the realm of fact finding hearings and the appellate use thereof. I strongly suggest that we, as an appellate tribunal, must resist the temptation to resort to such practices. We should stay within the record. If we are unwilling to police ourselves in this regard, we should at least notify the parties that we have gone on a fact-finding frolic of our own lest they be surprised by an unwarranted consideration of evidence that might have been explained had they been given the opportunity.

Next, the author of the majority opinion maintains that if the present system of public school financing is declared unconstitutional, the legislature might face great difficulty, if not an impossibility, in replacing it with a constitutional system. I do not share this lack of faith in the legislative system. I am certain that, given the problem, the legislature is capable of reaching a proper solution.

Purely by way of anticipatory argument, the majority suggests seven changes it says "might" be required in the law if the present system of public school financing were declared unconstitutional. Some might be plausible while others are purely outlandish. The tactic is obvious. Lawyers frequently set up "strawmen" to knock down when their cases are weak on the law. The same may be said of the majority's lengthy use of the "parade of horribles" or "pandora's box" argument as
it discusses (a) drastic steps that "might" be needed to avert closing the entire educational system if the financing system is unconstitutional, or (b) theoretical impacts upon statutes governing teachers' pensions and other state activities. However, these are not facts. They are scare tactics and deserve no further comment. In this same vein, however, we must remember the respective constitutional duties of the legislature and the court. It is our duty to rule on the constitutionality of statutes. It is the legislature's duty to pass legislation in a constitutional manner. We would be overstepping our constitutional bounds if we attempted to provide or suggest legislative solutions. The legislature is capable of solving the problem, and it is their duty to do so.

In passing, I must comment on the majority's frequent attempts to cast doubt upon the standing of some classes of petitioners (although the standing of only one would have been sufficient). The accompanying rhetoric and conclusionary comments are not supported by a single case. To the contrary, the dissent has gone to considerable length to establish by fact and law, the standing of all classes of petitioners. I will not comment further.

Moving to another area of the majority opinion, I am appalled by the majority's assertion that the legislature and superintendent of public instruction, not the courts, are the determinants of whether and in what manner the state's duty to make ample provision for the education of the state's children is to be discharged. Without the slightest legal support, the majority grants the legislature and superintendent of public instruction a carte blanche authority that places them above the law! If this is permitted, where will a citizen find his relief if it is felt
that either the legislature or the superintendent of public instruction is violating the constitutional duty? To suggest that the courts are somehow disabled in performing their historic function relegates us all to relying upon the fact that "Big Brother" or "Big Government" knows best. I cannot accept that ill-conceived idea.

At this point, I must call attention to the majority's lengthy attempt to depreciate Const. art. 9, § 1 and its use of the phrase "It is the paramount duty of the state" (italics mine). The attack is two-pronged. First, an attempt is made to minimize the importance of the phrase by means of an interpretation that is irrelevant to the issues at hand. I shall not discuss this further because it has been fully covered in sections B V and VI of this dissent. The second attack begins with the comment "we have never placed so sweeping and overriding an interpretation on the phrase 'the paramount duty' as petitioners now urge." Thereafter, the majority opinion cites five cases which have upheld the constitutionality of certain specific statutes related, directly or indirectly, to public school financing. The first case, Pacific Mfg. Co. v. School Dist. No. 7, 6 Wash. 121, 33 P. 68 (1893) is not concerned with Const. art. 9, § 1 at all. It discusses section 2. The second case cited is State ex rel. Dupont-Fort Lewis Sch. Dist. No. 7 v. Bruno, 62 Wn.2d 790, 384 P.2d 608 (1963). This deals basically with the power of the State Board of Education to control school accreditation. Const. art. 9, § 1 is mentioned only by way of indicating that the power is derived from the state's constitutional obligation to provide an educational program as part of an integrated system of agencies created for that purpose. The third case, Island County Committee on
Assessment Ratios v. Department of Revenue, 81 Wn.2d 193, 500 P.2d 756 (1972) does not actually deal with Const. art. 9, § 1 at all. Rather, it is concerned with the right of school districts under section 2 to receive state funds appropriated by the legislature. Case number four is equally wide of the mark. Carroll v. Bruno, 81 Wn.2d 82, 499 P.2d 876 (1972) authorizes the state superintendent of public instruction to consider federally generated forest funds as a part of funds distributed under the state's equalization scheme. Finally, Newman v. Schlarb, 184 Wash. 147, 50 P.2d 36 (1935) deals with whether the state can preempt local taxes for school purposes, holding that it can do so in the exercise of its paramount duty. In citing the foregoing cases the majority opinion reaches the conclusion that in none was it "suspected that the whole statutory structure for funding and disbursing school moneys was void for unconstitutionality . . ."

After reviewing the above-cited cases, I can only say that neither they nor the quoted conclusion are relevant to the issues before us. One cannot know what the court may or may not have "suspected" about the constitutionality of the public school financing structure. All we know is what the issues were and what the court said about them and in none of the cases cited was the instant issue involved. Not one of the cases was required to pass on or even discuss the impact of the phrase "paramount duty of the state. . ." as it applies to the state's currently asserted duty. The majority well knows this court considers only issues before it. Thus, it is a complete nonsequitur to contend that the present system of public school financing must be constitutional merely because the constitutional issues here involved have not been discussed adversely in prior cases.
Finally, I must emphasize the fact that the majority has misapplied San Antonio Independent Sch. Dist. v. Rodriquez, 411 U.S. 1, 36 L. Ed. 2d 16, 93 S. Ct. 1278 (1973) to the facts and law of the instant case. As pointed out later in Section B of this dissenting opinion, the constitution of Texas contains nothing similar to article 9 of the Washington Constitution. In fact, a review of the constitutions of all 50 states makes it abundantly clear that Const. art. 9, § 1 of our state constitution is unique. It is unnecessary to go into this further inasmuch as it is fully discussed in Section B, II through VI. At this point, it is sufficient to say, however, that all Rodriguez held was that the Texas system did not violate the federal constitution. That is not the issue here. The issue before us is whether the Washington statutes violate Washington's own more restrictive state constitution.

As I stated earlier, this is probably one of the most difficult and far-reaching cases to confront this court in years. That, however, should not deter us from facing the facts as they are and the law as it is rather than viewing them in a way we would like them to be as a matter of expediency.

I turn now to Section B which is based entirely upon the actual findings of fact and applicable law.

B. Legal Analysis Based Upon the Findings of Fact

The central issue before this court is whether the public school financing system of this state violates the Equal Protection Clause of Const. art. 1, § 12, as well as Const. art. 9, §§ 1 and 2, which declare the state's duty to make ample provision for the education of its children through a general and uniform system
of public schools. I would hold that the public school financing system does not withstand constitutional challenge under either the Privileges and Immunities Clause of Const. art. 1, § 12 or Const. art. 9, §§ 1 and 2.

The brief of the various petitioners, respondents and amici curiae have referred only generally to the state's public school financing "system," "plan" or "scheme" impacted by the federal and state constitutions. They have not, however, referred us to the specific statutes, allied provisions of the Washington Administrative Code (WAC), administrative rulings of the superintendent of public instruction or of the State Department of Revenue which would be in need of revision. Suffice it to say the suggestion of this dissent on the constitutional issues involved would require revision of numerous statutes, associated portions of WAC, as well as administrative rulings in conflict herewith. Among those directly in conflict are chapter 28A.41 RCW and the allied administrative rulings of the superintendent of public instruction. The aforenamed statutes, related WAC sections, and associated administrative rulings are only examples, and are neither inclusive nor exclusive in light of the constitutional issues involved herein.

One must be acquainted with the parties and the framework of the claims to properly understand the issues. The defendants-respondents (hereafter respondents) are the State Superintendent of Public Instruction, the State Director of the Department of Revenue, the State Treasurer and the members of the State Board of Education. The plaintiffs-petitioners (hereinafter petitioners) are children who attend public elementary and secondary schools located in specified school districts (each child being represented by a guardian ad litem), parents of the foregoing
students, school directors of specified school districts who are also parents of some of the foregoing students, and numerous school districts. Respondents have challenged the standing of petitioner school districts to maintain this action although the standing of the other petitioners is not put in issue.

Very generally, petitioners have alleged that the children herein attend public elementary and secondary schools located in specified school districts. The public school system is maintained throughout the state by a financing plan that relies heavily on local property taxes thereby causing substantial disparity, among individual school districts, in the amount of revenue available per pupil for the districts’ educational programs. Thus, it is asserted, districts with lower tax base are unable to spend as much money per child for education as are districts with a higher assessed valuation. This, it is said, violates the Equal Protection Clause of the Fourteenth Amendment, the Privileges and Immunities Clause of the Const. art. 1, § 12, as well as Const. art. 9, §§ 1 and 2. The assertions of petitioner-parents are substantially the same except, in addition, they allege that as a result of the financing plan they are required to pay a higher tax rate than tax payers in many other school districts to obtain the same or lesser educational opportunities for their children. Petitioner-parent-school directors make similar assertions, but add that they are responsible for the operation of the districts in which petitioner-children are schooled. They contend educational opportunities they are able to provide are substantially inferior to those made available to children attending public schools in many other districts of the state. Finally, petitioner-districts add that respondents, in pursuing the present system of public school finance,
have breached a duty to the districts who act on behalf of the other petitioners.

Petitioners pray: (1) for a writ of mandate directing respondents to reallocate the funds available for financial support of the school system and to restructure the financing scheme along constitutional grounds; (2) for a writ of prohibition forbidding respondents from further allocation of such funds in violation of the state and federal constitutions; (3) for a declaration that the financing scheme is unconstitutional; and, (4) that this court retain jurisdiction affording respondents and the legislature a reasonable time in which to correct the alleged constitutional deficiencies.

Inasmuch as petitioners sought a writ of mandate and/or a writ of prohibition directed to respondent state officers, the matter was filed directly in the Supreme Court pursuant to ROA 1-58(a). The parties were unable to agree upon the applicable facts and the matter was referred to the Superior Court for Thurston County for a hearing, preparation of the statement of facts and findings of fact. ROA 1-58(b).

I have reviewed the findings of fact prepared by the trial judge and find them supported by substantial evidence and painstakingly complete insofar as the relevant facts are concerned. Based thereon, I begin my examination of the state public school financing system which is the focal point of the constitutional dispute.

1. The Facts Pursuant to Trial Court's Findings of Fact

The 320 school districts in the state of Washington are governmental units
in the integrated system of agencies which form the public education system created by the legislature to carry out the constitutional mandate of Const. art. 9, § 2.

School districts have distinct boundaries and the mechanism for establishing boundaries as set out in state statutes, thus restricting each unit to a finite amount of taxable wealth.

Pursuant to RCW 28A.41.130 and 28A.48.010, state monies are distributed annually to the school districts. The balance necessary for operation of the districts is generated by property tax levies at the local school district level with minor sums coming from county and federal sources. The relative contribution from each source is as follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>1960-61</th>
<th>1965-66</th>
<th>1970-71</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Property Taxes</td>
<td>22.7%</td>
<td>24.8%</td>
<td>35.97%</td>
</tr>
<tr>
<td>County Real Estate Excise Tax</td>
<td>3.5</td>
<td>3.6</td>
<td>2.71</td>
</tr>
<tr>
<td>Federal Funds</td>
<td>5.0</td>
<td>7.5</td>
<td>6.4</td>
</tr>
<tr>
<td>State Funds</td>
<td>61.9</td>
<td>58.0</td>
<td>49.0</td>
</tr>
</tbody>
</table>

It will be noted that in the year 1970-71, 84.97 percent of public school funds were derived from two basic sources: (a) Local school district taxes on real property, and (b) distribution of state funds to the local districts. These two major sources of local school revenue assume significance when it is considered that in the 10 years between 1960-61 and 1970-71 funds from state sources declined from 61.9 percent

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6This includes 2 mills shifted from local collection to state collection in 1968 which accounts for 4.59 percent of the revenues in 1970-71.
to 49.0 percent (i.e. a drop of 12.9 percent) whereas funds generated within the local school districts by means of property taxes increased from 22.7 percent to 35.97 percent (i.e. an increase of 13.27 percent). In short, as the state reduced its percentage of annual operational support, the local school districts were compelled to increase the percentage derived from local property taxes.

State operational support, called the "per pupil guarantee" is distributed to school districts to achieve a minimum guarantee of revenue for the "weighted student" enrollment of the district. This non-levy support comes as the result of legislative appropriations based upon the budget request of the State Superintendent of Public Instruction. Currently, that guarantee is $365 per "weighted pupil."

Pursuant to chapter 28A.41 RCW, the guarantee is determined generally as follows:

(a) First the state computes the basic enrollment of the district, kindergarten students count as one half (1/2).

(b) Next, the state computes the total number of "weighted students" in an effort to take into account the cost of educating different types of students. For example, .3 is added for each secondary student; .2 is added for each vocational pupil; .25 is added for students in interdistrict cooperation programs, etc. Other factors are also considered, for instance, additional funds are granted to districts with greater average staff experience, for the size of the district and whether the district is remote and necessary.

(c) The total "weighted" enrollment is multiplied by the $365 guarantee.
(d) Thereafter the state deducts 85 percent of the amount the school district would raise by levying an assumed or theoretical 14 mills against 25 percent of the true and fair value of the taxable real property within the district, and deducts the amounts raised from non-high school receipts, "in-lieu-of" tax receipts, real estate excise taxes, state forest taxes and a few other minor receipts.

(e) Finally, the total state contribution to the school district is the difference between (c) and (d) above.

In addition, the state reimburses school districts for 90 percent of their approved transportation costs. RCW 28A.41.160.

As previously indicated, the local real property tax is a major source of operating revenue. Further, if voters in a school district desire to obtain revenue in addition to normally available operating and maintenance funds, they may do so by means of an "excess levy." Since revenue from excess levies is a product of the millage rate and the assessed value of the real property within the school district, it is at once apparent that the amount of taxable wealth or assessed valuation of the district will have an important effect on the capacity of the district to raise funds. Unfortunately, there is a substantial variation in assessed valuation per pupil among the state's school districts, ranging from a low of $1,925 per pupil to a high of $776,567 per pupil.

The state recognizes the existence of the foregoing wide variations and attempts some degree of equalizing by means of the above mentioned "per pupil"...
guarantee" based upon the "weighted pupil" or "weighted enrollment." While the
state has attempted to achieve some degree of equalization in school operation and
maintenance revenue through the "per pupil guarantee," the method of its
computation significantly benefits those school districts which have a high assessed
valuation. Further, the amount of the "per pupil guarantee" has not kept pace
with increasing operational and maintenance costs of the schools and does not provide
sufficient funds to operate the public schools in the state. For example, the mean
expenditure for all school districts is $819 and the mean expenditure for all pupils
is $721, as compared with the state's "per pupil guarantee" of $365. Partial
reimbursement of other expenses by the state has an additional non-equalizing
effect. Some districts can more easily afford to incur the nonreimbursable portion
of expense such as transportation, and hence can more easily qualify for larger
amounts of reimbursement.

Beyond the state apportionment of funds, there is no equalization of school
district finance. The low level of the state's apportionment has forced many school
districts to rely increasingly upon special levy revenue. Further, the standards
adopted by the State Superintendent of Public Instruction for receipt of state
apportioned funds have additionally compelled reliance upon special levies. In
fact, the amount of money raised by special levy millage in the state's school
districts has increased sharply in the past 10 years from less than $10 million in
1957 to a high of $172 million in 1972. At the same time, the percentage of
state support of the public education system has steadily declined in the past 10
years. As previously indicated, the 1960-61 state funds comprised 61.9 percent
of total funds (only 22.7 percent being locally generated) whereas in 1970-71 state funds had dropped to only 49 percent with a corresponding increase in local monies to 35.9 percent.

The problem facing numerous school districts becomes immediately apparent when it is realized that because of variations in assessed valuation per pupil, the ability of school districts to raise a given per-pupil dollar by special levy is substantially different. For example, among the state’s 320 school districts the range of per-pupil expenditure ranges from $1,517 per pupil to $470, the mean basic expenditure being $819 and the standard deviation between the basic expenditure per pupil being $392.

Reduced to its lowest common denominator, it is clear that the amount of money available to individual school districts is purely a function of the assessed valuation per pupil within the school district and the millage rate imposed (i.e. the tax burden). School districts with low assessed valuation per pupil can match the spending level of districts with a high taxable base per pupil only by means of greater millage rates. To put it another way, in spite of the lower tax rate in districts with higher assessed valuation per pupil, their average expenditure per pupil is significantly greater than in the districts with lower assessed valuation per pupil. These variations not only occur among counties, but among school districts within counties.

Not only is there a relationship between per-pupil assessed valuation and per-pupil expenditures, but there is also a positive correlation between assessed valuation per pupil and median income (i.e. the higher the assessed valuation per
pupil, the higher the median income) in the eight counties in the state with the largest school population. Similarly, in the same counties (Yakima, Spokane, Pierce, Thurston, Clark, Kitsap, Snohomish and King) there is negative correlation between assessed valuation per pupil and the percentage of families with income below the poverty level (i.e. the lower the county ranks in terms of assessed valuation per pupil, the higher the percentage of poverty families in the county). Parenthetically, it is of interest that respondents have assigned no error to the trial court's findings of fact that support the matters just related in this paragraph. Thus, they must be accepted as verities. ROA 1-42(g) (iii); ROA 1-43; Martin v. Clinton, 67 Wn.2d 608, 408 P.2d 895 (1965).

As can be seen, the current system of financing the state's system of public schools creates the major portion of a vicious circle. Districts that have the lowest assessed valuations per pupil, and thus need additional operation and maintenance funds the most, must tax themselves at a higher rate than districts with a higher tax base per pupil. The final segment of the circle is closed when it is realized that a special levy, to produce a given amount of per-pupil dollars, has a better chance of passing within a district with higher assessed valuation per pupil, since the millage required in the district with higher assessed valuation per pupil will necessarily be less.

In the final analysis, there is a built-in discrimination contained in the per-pupil guarantee. For example, although in calculating the "per pupil guarantee," the state deducts 85 percent of the amount the school district would raise by levying an assumed or theoretical 14 mills against 25 percent of the true and fair value of
the taxable real property within the district, the apparent 15 percent bonus (or "leeway") is not equalized and thus provides greater benefits to school districts with a higher assessed valuation per student. While each district will receive 15 percent, the dollar amounts per pupil will vary with differences in assessed valuation per pupil, inasmuch as the percentage figure is multiplied against the amount the respective districts produce by levying the basic millage—an amount which mathematically varies with the amount of assessed valuation in the districts.

Moreover, revenues from the 2-mill "state levy" are not equalized and thus provide greater benefits to districts with higher assessed value per pupil. The amount in dollars produced for a given district is the result of multiplying 2 mills times the assessed valuation of the district. Thus, school districts with higher assessed valuation per pupil will necessarily receive more per-pupil dollars from the 2-mill levy than will districts with a lower taxable base.

Still further, the weighting formula itself, which increases the weighted enrollment figures to reflect staff training and experience, provides monetary benefits to districts which recruit and retain the more experienced and trained staff. Once again, districts which are better able to compete for experienced staff (i.e. those with higher per-pupil assessed valuation) receive a double benefit: better staff and additional state money from the per-pupil guarantee.

The same double benefit is afforded the more affluent districts under reimbursements for transportation and other expenses. This, too, has a non-equalizing effect because some districts can more easily afford to incur the non-reimbursable portion of such expenses and hence can more easily qualify for greater reimbursement.
Beyond the discrimination found within the per-pupil guarantee, other inequities exist in the state's system of financing the public schools herein. Aside from the per-pupil guarantee, school district finances for all districts are non-equalized. The dollars available for schools are purely a function of the assessed valuation per pupil of the district and the tax burden or millage rate imposed. As previously indicated, the per-pupil guarantee has not kept pace with increasing school costs compelling reliance upon special levy revenue. Further, as the percentage of state monies for support of the public education system has decreased, reliance upon the unequalized special levy has increased sharply.

Still further, the increasing share of the burden that has come to rest on local school district property levies has had a substantial effect on district spending abilities, because over and above the state guarantee the major factor in determining the amount of money available to a school district for education is the district's assessed valuation per pupil. Wide variation in the assessed valuation of districts has caused a wide variance in the ability of districts to raise funds by special levies.\(^8\) Consequently, across the state, districts with high assessed valuation have found it

\(^8\)For example, in 1971-72 in the metropolitan area of Seattle some of the levies and their products were:

<table>
<thead>
<tr>
<th>District</th>
<th>Special Levy</th>
<th>Millage</th>
<th>Dollars Produced Per Pupil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seattle</td>
<td>11.09</td>
<td></td>
<td>392.47</td>
</tr>
<tr>
<td>Federal Way</td>
<td>24.20</td>
<td></td>
<td>211.71</td>
</tr>
<tr>
<td>Highline</td>
<td>24.40</td>
<td></td>
<td>296.33</td>
</tr>
<tr>
<td>Tacoma</td>
<td>15.88</td>
<td></td>
<td>278.12</td>
</tr>
<tr>
<td>Northshore</td>
<td>28.70</td>
<td></td>
<td>358.92</td>
</tr>
</tbody>
</table>
necessary to tax themselves less than those with a low assessed valuation, to achieve the same basic expenditures per pupil.

The ultimate responsibility for this increased cost of education has fallen upon the individual taxpayer. Taxpayers ability to secure a given per-pupil level of expenditures is limited to their willingness to accept the required millage rate, since they have no control over the other variable, assessed valuation per pupil. Thus, taxpayers in districts with low assessed valuation per pupil must accept a higher millage rate to reach a given level of per-pupil expenditure than do taxpayers in districts with higher assessed valuation per pupil.

When a special levy fails, the effect upon the school district and its students is dramatic because financing is a key to the provision of educational services. At such times, a district may be forced to cut personnel, cut materials and texts. Such a district loses its ability to compete with other districts for staff and to retain staff. It may even be necessary to close buildings, increase staff-student ratios, and to split school days to accommodate more students with less staff.

There are also direct effects if districts are required to depend upon special levies for operation and maintenance. There is speculation, uncertainty and hesitation to make long-range planning and funding.

In short, the current system almost compels educational opportunity to vary from district to district dependent upon difference in per-pupil assessed valuation. Serrano v. Priest, 5 Cal. 3d 584, 599-601, 96 Cal. Rptr. 601, 487 P.2d 1241 (1971), in discussing a similar problem confronting the California high court, had this to say:
Obviously, the richer district is favored when it can provide the same educational quality for its children with less tax effort. Furthermore, as a statistical matter, the poorer districts are financially unable to raise their taxes high enough to match the educational offerings of wealthier districts. Thus, affluent districts can have their cake and eat it too; they can provide a high quality education for their children while paying lower taxes. Poor districts, by contrast have no cake at all.

...To allot more educational dollars to the children of one district than to those of another merely because of the fortuitous presence of such property is to make the quality of a child's education dependent upon the location of private commercial and industrial establishments. Surely, this is to rely on the most irrelevant of factors as the basis for educational financing.

(footnotes omitted.)

Having outlined the basic framework of the state's public school financing plan, I now turn to petitioners' legal claims.

II. Application of Rodriguez by Petitioners

First, petitioners allege that, within the sphere of the federal constitution, the foregoing financing scheme operates to the disadvantage of suspect classes and interferes with the exercise of fundamental rights and liberties. It is argued that the system violates the Equal Protection Clause of the Fourteenth Amendment. I do not agree. This issue was resolved in San Antonio Ind. Sch. Dist. v. Rodriguez, 411 U.S. 1, 36 L. Ed. 2d 16, 93 S. Ct. 1278 (1973). The United States Supreme Court held therein that a similar plan of public school financing in the state of Texas was not a proper case for it to examine the state's laws under standards of strict judicial scrutiny. It pointed out that the test was reserved for cases involving laws that operate to the disadvantage of suspect classes or interfere with the exercise of fundamental rights and liberties protected by the federal constitution.
The Court went on to determine in Rodriguez that the Texas school financing system did not operate to the peculiar disadvantage of any suspect class and did not impermissibly interfere with the exercise of a fundamental right or liberty protected by the federal constitution thus rejecting both of the predicates for invoking the compelling state interest standard of review and the close scrutiny approach which that concept purports to involve. In sum, the Court held that the Texas school financing system did not violate the Equal Protection Clause of the Fourteenth Amendment.

III. Respondent's Application of Rodriguez is not in Point Under Washington State Constitution

Based upon the foregoing, respondents argue that Rodriguez is determinative of all issues before the court. They have, however, interpreted the impact of Rodriguez too broadly.

While the federal constitution, as interpreted by the United States Supreme Court, is controlling in its sphere, the question whether our state constitution has been offended is for us to decide. Rodriguez neither requires nor suggests a different view according to its later case history. Subsequent to Rodriguez the New Jersey Supreme Court was confronted with a legislative attempt to finance state elementary and secondary public education by means of heavy reliance on local taxation. Unlike Rodriguez in which a federal district court was reversed after holding the Texas school financing system violated the Fourteenth Amendment, the New Jersey Supreme Court held that state legislation contravened the New Jersey state constitution. In so doing the New Jersey Court specifically acknowledged the
holding in Rodriguez, as based on the federal constitution, but held that it was not
deterred from deeming the state constitution more demanding. Robinson v. Cahill,
62 N.J. 473, 303 A.2d 273, 282 (1973); modified on grounds not applicable here
in 63 N.J. 196, 306 A.2d 65 (1973). We are in the same position in our consideration
of the Washington State Constitution. We are concerned with the constitutionality
of state legislation based upon our interpretation of the state constitution. At this
juncture it is of interest that the United States Supreme Court denied a petition for
a writ of certiorari in the New Jersey case, sub nom, Dickey v. Robinson, 414

While the legislation here involved may meet the general federal criteria
found in Rodriguez, it does not necessarily meet the more strict standards imposed
by our own state constitution. Thus, it is necessary to consider the state system of
public school financing in light of the Washington State Constitution.

IV. "Compelling State Interest" and "Rational Basis" Doctrines Not Applicable

Respondents suggest that Const. art. 1, § 12 has the same impact as the
Equal Protection Clause of the Fourteenth Amendment and thus should be applied in
the same manner, citing DeFunis v. Odegaard, 82 Wn.2d 11, 37, 507 P.2d 1169
(1973); vacated and remanded on other grounds ____ U.S. ____ (1974);

9Const. art. 1, § 12 provides in part: "No law shall be passed granting to
any citizen (or) class of citizens . . . privileges or immunities which upon the same
terms shall not equally belong to all citizens . . ."
and similar holdings of this court. From this they reason that the public school financing system before us must be constitutional under Const. art. 1, § 12 because Rodriguez found that the similar Texas school financing system complied with the Fourteenth Amendment. I disagree with their conclusion.

In Rodriguez, at page 24, the state argued that "(b)y providing 12 years of free public-school education, and by assuring teachers, books, transportation, and operating funds, the Texas Legislature has endeavored to 'guarantee, for the welfare of the state as a whole, that all people shall have at least an adequate program of education.'" The Court pointed out that there was no proof offered which discredited or refuted the state's assertion. In the instant case, it is the uncontroverted finding of the trial court that the state's per-pupil guarantee does not even provide sufficient funds with which to operate and maintain the public schools. Thus, while neither the Equal Protection nor Privileges and Immunities Clause requires absolute equality, our state constitution, article 9, sections 1 and 2, specifically requires the state to make "ample provision for the education of all children." (Italics mine.)

Respondents in Rodriguez also argued that the Texas financing system interfered with the exercise of a "fundamental right" and therefore a strict standard of judicial review was required. The court found that a "right" to education was neither explicitly nor implicitly guaranteed by the federal constitution. Thus, the strict "compelling state interest" test was not applicable.

I also feel that neither the "compelling state interest" test nor the "rational basis" test is applicable herein. However, I would so hold for distinctly
different reasons. As pointed out in Section VII of this dissent, a different question is presented. The issue is whether the state has met its "paramount duty . . . to make ample provision for the education of all children residing within its borders . . ." (Italics mine.) Const. art. 9, § 1.

V. Article 9, Sections 1 and 2 are Unique, Explicit and Unlike the Texas Constitution

The Texas Constitution contains nothing similar to Const. art. 9, §§ 1 and 2 which read as follows:

Section 2:

The legislature shall provide for a general and uniform system of public schools.

To this further extent the Washington Constitution, and thus this case, differ from Rodriguez. In fact, my research indicates that the introductory phrase of Const. art. 9, § 1 is unique among state constitutions.

The intent of the framers of our state constitution is evident. Const. art. 9, § 1 was part of the original constitution and has not been amended. Review of The Journal of the Washington State Constitutional Convention 1889 (1962) reveals no indication that Const. art. 9, § 1 held or is to hold a secondary status or that it was or is to be construed in a manner other than by its plain language. Further, there is nothing to indicate that Const. art. 9, § 1 is other than declarative of the state's social, economic and educational duty. Quite to the contrary, a perusal of the constitution reveals the framers declared only once in the entire document that a specified state function was to be the state's paramount duty. That singular
While the passage of time often makes it difficult to ascertain the intent of constitutional provisions, there is no doubt the imperative wording of Const. Art. 9, § 1 was intentional. Theodore L. Stiles, a member of the 1889 constitutional convention and later a justice of the first supreme court, wrote:

No other state has placed the common school on so high a pedestal. One who carefully reads Article IX, might also wonder whether, after giving to the school fund all that is here required to be given, anything would be left for other purposes. But the convention was familiar with the history of school funds in the older states, and the attempt was made to avoid the possibility of repeating the tale of dissipation and utter loss.


In the same vein, it is of interest that general English usage is consistent with Justice Stiles' observation. The word "paramount" is not a mere synonym of "important." As pointed out in B. Evans, A Dictionary of Contemporary American Usage 350 (1957):

paramount is an adjective meaning above others in rank or authority, superior in power or jurisdiction . . . chief in importance, supreme, preeminent . . . When a thing is said to be paramount, it can only mean that it is more important than all other things concerned.

Webster's Third New International Dictionary 1638 (1967) defines paramount in similar terms:

1: having a higher or the highest rank or authority . . . 2: superior to all others . . . CHIEF, SUPREME, PREEMINENT . . . syn see DOMINANT
Such singular use of the term "paramount duty" plus its common English usage, give clear indication of the importance attached to public education of this state's children.

By imposing upon the state a "paramount" constitutional "duty" to make ample provision for the education of all children within its borders, there has been created a "duty" that is preeminent or dominant. Flowing from the constitutionally imposed "duty" or legal obligation, is that "duty's" jural correlative, a "right"\(^1\) (i.e. control over another's conduct\(^1\)). Thus, children residing within the borders of the state possess a "right" to have the state make ample provision for their education; that "right" being created by the constitutional imposition of a "duty" upon the state. Further, since the constitution has characterized the "duty" as paramount, the correlative "right" must be accorded equal stature.

Constitution, art. 9, § 1 not only imposes upon the state a "paramount duty . . . to make ample provision for the education of all children residing within its borders," but it requires that the goal be achieved "without distinction or preference on account of race, color, caste, or sex." (Italics mine.) In essence, the latter part of the section assures the school children of this state that the nature or quality of their education shall not be affected by their racial or cultural heritage, material wealth, or gender. Thus, it is readily apparent that Constitution, art. 9, § 1, in and

\(^1\) W. Hohfeld, Some Fundamental Legal Conceptions as Applied in Judicial Reasoning, 23 Yale L. J. 16, 30-36 (1913).

\(^1\) W. Hohfeld, Fundament Legal Conceptions, 65 (1964), see also the forward by Arthur L. Corbin, pp. ix-xi, and introduction by Walter Wheeler Cook, pp. 5-11.
of itself, provides public school children an independent guarantee of equal protection as to education in addition to whatever guarantees may be provided by article 1, section 12 of the state constitution.

From the foregoing analysis I can only conclude that the framers of our constitution meant what they said, that it is the paramount duty of the state to make ample provision for the public education of all children residing within its borders, without discrimination.

I do not disagree with the majority's observations concerning constitutional interpretation that: (1) "fundamental principles are of equal dignity and 'neither must be so enforced as to nullify or substantially impair the other'" (citations omitted); or, (2) "'(N)o constitutional guarantee enjoys preference, so none should suffer subordination or deletion.'" (citations omitted); or (3) "'Every statement in a state constitution must be interpreted in the light of the entire document, and not sequestered from it, and none is to be considered alone.'" (citations omitted).

I do say most emphatically, however, that the foregoing quotations and cases upon which they rely are not in point in the instant case.

The question here is not one of weighing fundamental principles of equal dignity or giving preference to one constitutional section over another abstract section of equal impact as a means of interpreting the document. In fact we are not here concerned with a matter of interpretation at all. Words in the constitution must be

12Caste is defined as: "...3a: a division of class of society comprised of persons within a separate and exclusive order based ... upon differences of wealth ..." (Italics mine.) Webster's Third New International Dictionary 348 (16th ed. 1971).
given their common and ordinary meaning. State ex rel. O'Connell v. Slavin, 75 Wn.2d 554, 557, 452 P.2d 943 (1969); State ex rel. Albright v. Spokane, 64 Wn.2d 767, 770, 394 P.2d 231 (1964) see also State ex rel. Graham v. Olympia, 80 Wn.2d 672, 497 P.2d 924 (1972). An indicated previously the constitutional phrase "paramount duty," given its common and ordinary meaning is clear and unambiguous. Thus, any attempted interpretation of it other than in its normal and ordinary sense is clearly improper. State ex. rel. O'Connel v. PUD, supra; State ex rel. O'Connell v. Slavin, supra. The real issue is whether the clear and unambiguous words of Const. art. 9, § 1 mean exactly what they say, particularly since the phrase "paramount duty" was used only once in the entire constitution. The issue is as simple as that. If the words do mean what they say, then we must follow them. State ex rel. O'Connell v. PUD, supra; State ex rel. O'Connel v. Slavin, supra.

If we do not like the direction in which they lead us under today's economic and social conditions, we should change them by constitutional means. But, we should not resort to the subtrafuge of judicial "interpretation" to destroy their constitutional life. A resort to such tactics is not only unwarranted, it is dangerous.

VI. Const. Art. 1, § 12 and Const. Art. 9, §§ 1 and 2 Not Singularly Exclusive but Mutually Supportive

It is suggested that article 1, section 12 of the State Constitution13 (i.e. Const. art. 1, § 12; "Special Privileges and Immunities prohibited. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges of immunities which upon the same terms shall not equally belong to all citizens, or corporations."
the Privileges and Immunities Clause) and Const. art. 9, §§ 1 and 2 are singularly exclusive, each being applicable only on its own terms. Thus, it is urged, public school financing cannot be brought within the purview of the Privileges and Immunities Clause of the state constitution by means of Const. art. 9, §§ 1 and 2.

I do not agree with this concept.

First, as I pointed out in Section V above, in addition to those guarantees provided by Const. art. 1, § 12, Const. art 9, § 1, in and of itself, provides public school children an independent guarantee of equal protection as to education.

Second, Const. art. 9, § 1 creates, constitutionally, a class of citizens, to which the state owes the "paramount duty" of making "ample provision" for education (i.e. "all children residing within its borders" (italics mine)). Article 9, section 1 also declares that such provision for education shall be "without distinction or preference on account of race, color, caste, or sex." (Italics ours.) Section 2 of article 9 provides further that the above-mentioned duty shall be carried out by means of a general and uniform system of public schools." (Italics mine).

Comparison of the foregoing with Const. art. 1, § 12 makes it abundantly clear that instead of being singularly exclusive, the two constitutional provisions are mutually supportive. Const. art. 9, § 1 constitutionally provides for a class of citizens (i.e. "all children residing within its borders" (italics mine)). At the same time, Const. art. 1, § 12 declares that the state shall pass no law that grants any citizen privileges or immunities upon which the same terms shall not equally belong to all citizens. Considering the impact of both articles it is clear that within the class constitutionally created by Const. art 9, § 1 there must be equality of
treatment. If this court holds otherwise, the "paramount duty" so explicitly stated in Const. art. 9, § 1 and so postively emphasized by its singular use, would be relegated to a secondary position in the constitution. The same would be true of the constitutional mandate that the duty will be achieved by means of a "general and uniform system of public schools." Const. art. 9, § 2.

This is not to say that the state may not provide for proper subclassifications within the constitutionally declared class of "children residing within its borders." However, since Const. art. 9, § 1 has mandated it to be the "paramount duty" of the state to make "ample provision" for their education, the legislature should not be permitted to enact laws which derogate from the specifically declared duty owed the constitutionally created class.

VII. The State's Duty to Provide an Ample Education and Student's Right to Receive It

The petitioners have asked the court to apply the "compelling state interest" test to the legislation here involved, arguing that it will not survive the strict scrutiny required. On the other hand, the state has opted for the "rational relationship" text, contending the public school financing system is in fact rationally related to a legitimate state interest. I am convinced that neither test is applicable under Washington's constitutional mandate.

As indicated in Section V, all children residing within the state's borders have a "right" (in the true Hohfeldian sense) to be provided with an education. That "right" is constitutionally paramount. It is equally clear that the state's implementation of that "right" must be achieved by means of a "general and uniform system of public schools," Const. art. 9, § 2. Further, on a substantially equal basis, it
must be "without distinction or preference on account of race, color, caste, or sex." Const. art. 9, § 1.

Since the children residing within the state's borders possess such a "right" (with the state having a correlative "duty" to provide for the implementation of that "right") the state may not escape its constitutional "duty" even by showing that it has a "compelling state interest" for so doing or that there is a "rational relationship" between the legislation enacted and the end sought to be accomplished. The state may discharge its "duty" only by the performance thereof or by prevention of that performance by the holder of the "right." Thus, in the instant case, neither the "compelling state interest" test nor the "rational relationship" test opted for by the respective parties are applicable. Since there is no evidence that any of the petitioners have prevented performance of the state's duty, the sole question is whether the state performed its mandated duty. Based upon the findings of fact, I would hold that the state has not met the constitutional duty imposed by Const. art. 9, §§ 1 and 2 either singly or as supported by Const. art. 1, § 12.

Although a "right is an absolute, imprecise reasoning has caused courts regularly to recognize different degrees or grades of "rights" from which flow different jural results. For example: (a) some "rights" are deemed absolute: (b) others may be impaired but only upon showing of a "compelling state interest" whereas, (c) a third group may be invaded with the existence of a mere "reasonable relationship" between legislation and the end sought to be accomplished. If, in fact, "rights are absolute then clearly those so-called "rights" that are subject to invasion or impairment by either the "compelling state interest" or the "reasonable relationship" test are not true "rights." They must have some other definition that gives rise to their different jural significance and thus justifies the dissimilar treatment.

This explanation of the difference in definition and consequent jural
Jural significance that supports current results is neither intended to limit the "privileges and immunities" protected by the federal and state constitutions nor to denigrate what the courts have referred to as "rights" therein. In fact, the drafters of the federal and state constitutions probably made no clear distinction in thought or their choice of words, in the Hohfeldian sense. Nevertheless, our reference to this precise method of legal thinking and terminology helps us to better understand what the courts have been attempting to say about the federal and state constitutions, and, as Arthur L. Corbin indicated in his forward to W. Hohfeld, Fundamental Legal Conception, p. xiv (1964), it also helps make it clear what the drafters of the constitutions intended.

Close observation of the federal and state constitutions, as well as the wealth of cases dealing with them, reveals that true "rights" exist either by reason of a positive grant in the constitution, or because it has been so interpreted. These "rights" are absolute and cannot be invaded or impaired. They give rise in others (in this case the state) to correlative "duties." On the other hand, certain other legal entitlements exist which, although denominated "fundamental rights" by the courts, are not "rights" in the sense that they are absolutes. They exist because the constitutions have, in negative terms, provided for noninterference with specific legal entities. For example: "Congress shall make no law respecting an establishment of religion . . . or abridging the freedom of speech or of the press . . . ." United States Constitution, Amendment 1.

The foregoing jural entities, while denominated by the courts as "fundamental rights," are not treated as absolutes because they have held that these so-called "fundamental rights" may be invaded or interfered with if there exists a "compelling state interest." Although having a somewhat lesser status than true "rights" (an absolute), the courts have also recognized them as extremely important and will tolerate societal interference only for reasons that are "compelling." In short, society has no right to legislatively infringe upon one's constitutional entitlement to non-interference except for "compelling" state reasons. Since it does not involve a true "right," however, it should be denominated as a "fundamental freedom," a "fundamental liberty" or a "fundamental privilege" (the italicized words being legally synonymous—see W. Hohfeld, Fundamental Legal Conceptions 47 (1964) and the discussion of "privilege" and its synonyms legal "freedom" and legal "liberty").

In actuality, then, we do not have a single class of "rights" with a confusing plethora of protections ranging from an "absolute" on the one hand to the state's power of infringement, on the other, if there is a mere reasonable relationship between legislative regulation and the end sought. Rather we have "rights" as absolutes and we have legal "freedoms," legal "liberties" or legal "privileges" (as synonyms) which, although of a lesser stature than "fundamental rights," are still so basically important that they may not be invaded unless there is a "compelling state interest."
VIII. Ample Education

Respondents argue that guidelines for what is an "ample" education must necessarily differ according to the variable costs of the 320 districts and the multitudinous needs of the state's school children. It is posited that while children in some school districts have less spent on their education than do those in other districts, expenditures per pupil are not an adequate criteria for measuring the quality of public school education. Further it is argued that the public school system, in fact, provides an "ample" education for all children in the state.

Possibly it is true that there may be no exact standard for measuring the quality of education children receive in a given school district. Nevertheless, it is crystal clear that there exist vast discrepancies in dollar input per pupil, a fact that in the final analysis is very relevant in light of the further fact that financing is a key ingredient in the provision of educational services for children.

Most assuredly, it cannot be said that the constitutional mandate for an "ample" education has been met by the state unless the majority is prepared to adopt the strained position that the lowest level of basic per-pupil state guarantee (in dollars) provided to a given district coincides with the requirement and that all efforts beyond that lowest level are attributable to local decisions to furnish more than the state has a duty to provide.

As stated in the body of the opinion, in the instant case the mandate of Const. art. 9, SS 1 and 2 is concerned with a true "right" (an absolute). Thus, the state's only answer is either compliance or a showing that its attempt to comply was met with interference by those claiming the "right." We are not, therefore, concerned herein with either the "compelling state interest" test or the lesser "rational relationship" test.
Logic requires me to reject this concept. It does not comport with the trial court's findings of fact which reflect that the state apportionment not only has failed to keep pace with increasing school costs but that the per-pupil guarantee does not even provide sufficient funds with which to operate the public schools. Rather, the low level of state support has compelled many districts to rely on special levy revenue merely to provide operation and maintenance funds.

In terms of quality, respondents assume that there is no conclusive, static or exact definition. This does not mean, however, that the state's duty to make "ample" provision for education is thereby beyond scrutiny. There are ongoing factors as well as financial, current and historical considerations that have an impact upon the subject and are a commonsense aid in determining what may or may not be "ample."

For example: the term "ample provision for education" appeared in the original draft of our state constitution and has remained without change. Nevertheless, one would hardly be heard to argue that the state's mandated duty to provide an "ample" education has been met merely because the state's "per weighted pupil guarantee" gives rise to more acceptable facilities than were provided at the time Const. art. 9, §§ 1 and 2 were originally adopted. Times change. What may have been "ample" in 1889 may be, and probably is, wholly unsuited for today's children confronted, as they are, with contemporary demands and new complexities of life unknown to the drafters of the state constitution.
It must be made clear, however, that by recognizing changing times and the needs of a dynamic society, one does not thereby change the constitution. Quite the contrary. If we fail to interpret the constitution in accord with the demands of a modern society, the constitution stands in danger of becoming atrophied and, in fact, will lose its original meaning. It is the duty of our courts, as guardians of the constitution, to ensure that our state constitution shall not become, in the words of Chief Justice Marshall, "a magnificent structure, indeed, to look at, but totally unfit for use." Gibbons v. Ogden, 22 U.S. (9 Wheat) 1, 222, 6 L. Ed. 23 (1824). He further noted that a constitution is "intended to endure for ages to come, and consequently, to be adapted to the various crises of human affairs." McCulloch v. Maryland, 17 U.S. (4 Wheat) 316, 415, 4 L. Ed. 579 (1819).

In all candor, then, the state's constitutional mandate must be understood to embrace the educational opportunity that is needed, in the contemporary setting, to equip the children of this state for their role as citizens and as potential competitors in the labor market and the marketplace of ideas. Robinson v. Cahill, 62 N.J. 473, 515, 303 A.2d 273 (1973); see also Keyishian v. Board of Regents, 385 U.S. 589, 603, 17 L. Ed. 2d 629, 87 S. Ct. 675 (1967). In other words, education has a critical role in a free society. It must prepare children to participate effectively and intelligently in our open political system, if the system is to survive. See Wisconsin v. Yoder, 406 U.S. 205, 221, 32 L. Ed. 2d 15, 92 S. Ct. 1526 (1972). It must prepare them to exercise their First Amendment "freedoms" ("liberties" or "privileges") both as sources and receivers of information;
and, it must prepare them to be able to inquire, to study, to evaluate and to gain maturity and understanding. The constitutional "right" to have the state "make ample provision for . . . education" will be hollow indeed, however, if the possessor of that "right" is unable to compete adequately in our open political system, in the labor market or in the marketplace of ideas.

With the foregoing thoughts in mind it can hardly be said that children who reside within school districts having an inadequate tax base to support even operating and maintenance budgets have had ample provision made for their education. Poorer districts are compelled to rely on special levies for the bare necessities of operating and maintenance. If their levies fail, as many have, those school districts are forced to close schools, discharge teachers, increase teacher-student ratios, eliminate classes, reduce hours of instruction, cut material and texts, and even forego adequate planning for future betterment of the district's school system. It cannot be said that such a system of financing education in public schools makes "ample provision for . . . education" by means of a "general and uniform" system of public schools. Too many children residing within the state are left on the outside looking in.

The high courts of California and New Jersey have each declared the system of public financing, in their state, unconstitutional. Serrano v. Priest, 5 Cal. 3d 584, 96 Cal. Rptr. 601, 487 P.2d 1241 (1971); Robinson v. Cahill, supra. The problems there involved were not entirely dissimilar to those before us. These cases are of considerable interest, however because the constitution in neither state imposes the unique explicit "duty" found in Const. art. 9, § 1 and neither
requires a "general and uniform system of public schools." Without question, the petitioners herein stand on much firmer constitutional ground than do their counterparts in either California or New Jersey.

IX. "Relative Wealth" Theory Not Applicable to Other Municipal Corporations

Respondents suggest that if the relative wealth of school districts may not be used as a major factor in determining the quality of public education, this court must be deemed to have directed the same command to all municipal corporations in respect to tax-supported public services. This argument is without merit. Although I do not at this time express my views on other governmental services, I am satisfied that I have explained the unique position of public education in the constitutional scheme. Only with the system of public schools has the constitution mandated that the state has a paramount duty.

X. Standing of Petitioners

Next, respondents assert that petitioner school districts have no standing to bring the instant action. Respondents do not, however, challenge the standing of the petitioner children, their guardians as litem, the several individual school directors or those who also assert one of those capacities and are also taxpayers.

 Basically, respondents argue that petitioner school districts: (a) Do not state a claim for which relief can be granted, because municipal corporations are not entitled to the protections afforded by (1) the Fourteenth Amendment to the United States Constitution; (2) Const. art. 1, § 12; or (3) Const. art 9, §§ 1 and 2. (b) A school district, as a municipal corporation, may sue and be sued, pursuant
to RCW 28A.58.010, to protect the rights of the district but there is no statutory provision authorizing it to sue on behalf of its children or the taxpayers of the district who are the only real parties in interest. (c) A municipality does not have standing to question the constitutionality of the statute unless it alleges that the questioned statute violates a constitutional provision designed to protect municipal corporations.

I agree with petitioner, districts lack of standing to challenge the state system of public school financing under the Fourteenth Amendment and Const. art. 1, § 12. Moses Lake Sch. Dist. 161 v. Big Bend Comm. College, 81 Wn.2d 551, 503 P.2d 86 (1972). There is, however, a different issue involved in the districts' challenge to the state's public school financing system under RCW 28A.58.010 and Const. art. 9, §§ 1 and 2.

Without question, in the past, consideration of standing has been subject to rigid legalistic rules requiring an infringement of a specific legal right or interest. This has, however, been eroded over the years permitting a broader view of factual interests that will give rise to standing. Ass'n of Data Processing Serv. Organizations v. Camp. 397 U.W. 150, 25 L. Ed. 2d 184, 90 S. Ct. 827 (1970); Barlow v. Collins 397 U.W. 159, 25 L. Ed. 2d 192, 90 S. Ct. 832 (1970); see also Davis Administrative Law Treatise 710 (1970 Supp.). Not only has the United States Supreme Court seemingly abandoned strict reliance upon the over legalistic "interest-right" test of standing, it made the following comment in so doing, in Data Processing at page 153:
The "legal interest" test goes to the merits. The question of standing is different. It concerns, apart from the "case" or "controversy" test, the question whether the interest sought to be protected by the complainant is arguably within the zone of interests to be protected or regulated by the statute or constitutional guarantee in question.

A review of our own more recent cases indicates that we too have shifted from the strict legalistic view to one which more correctly recognizes that standing may occur if there is injury in fact. For example in Moses Lake Sch. Dist. 161 v. Big Bend Comm. College, supra, we actually reviewed the merits of a dispute and concluded that the plaintiff school district had no rights against the state. There was, however, no hint that the school district lacked standing to raise constitutional issues and thus should have suffered the result without a hearing on the merits. Similarly in Snohomish County Bd. of Equal. v. Department of Rev., 80 Wn.2d 262, 493 P. 2d 1012 (1972), we went to the merits of a constitutional claim at the instance of a county board, expressly holding, at page 265, that the county had standing.15

Based on more recent liberalized views of standing, and turning to the instant case, the petitioner school districts clearly have standing to challenge the constitutionality of that legislation which creates the state's system of public school financing. The districts' interests are not theoretical, they are concerned with a real judicial controversy imposed upon them because they stand at the very vortex of the questioned system. In short, the interests sought to be protected by the

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15 Although not directly in point, the extent to which this court has gone in liberalizing "stand" of interested persons or parties is also illustrated by our decision of Loveless v. Yantis, 82 Wn.2d 754, 513 P.2d 1023 (1973).
districts are arguably within the zone of interests to be protected or regulated by
the statute or the constitutional provision in question.

It is clear that the basic reason for the existence of school districts is the
education of children through the development and maintenance of schools and
education programs associated therewith. Within that framework the district is
authorized to sue and be sued. RCW 28A.58.010 provides:

A school district shall constitute a body corporate and shall possess
all the usual powers of a public corporation, and in that name and style
may sue and be sued and transact all business necessary for maintaining
school and protecting the rights of the district, and enter into such obligations
as are authorized therefor by law.

In considering the question of standing, then, what could be more fundamental
to the maintenance of schools, and the educational program, than an action the result
of which is to provide sufficient revenue to keep schools open and basic programs
intact in a manner required by the state constitution?

What could be more fundamental than the districts' need for review of a
legislatively created system of public school financing that undermines the very
means of their existence?

What greater interest could there be in the outcome of this litigation than
that possessed by the petitioner school districts? The current legislatively created
system of public school financing compels them to rely upon special levies for the
bare necessities required to keep schools open, maintain teaching staffs, and provide
educational materials. Yet, upon failure of a special levy (which has been rather
frequent of late) districts are often forced to consider and implement school
closures and educational cutbacks which result in reduction of the teaching staff.
This latter fact alone has culminated in school districts being sued by teachers separated from their positions. For example, see, Thayer v. Anacortes Sch. Dist., 81 Wn.2d 709, 504 P.2d 1130 (1972); Boyle v. Renton Sch. Dist. 403, 10 Wn. App. 523, 518 P.2d 221 (1974). When school districts are forced into positions of potential litigation, as parties defendant, how can it be said that they lack interest or standing to challenge the constitutionality of the very system that forces them into that potential litigation? I would hold that the petitioner school districts have standing to maintain the instant action.

XI. Issues Not Before the Court

I have heretofore suggested how I believe this court should hold on specific issues. Because of the nature of the case, however, it is necessary to clarify some of the areas in which I have not suggested that we should act. The following list is neither inclusive nor exclusive, it is explanatory only.

1. I believe strongly that the present legislatively and administratively created state system of financing public school education is unconstitutional. Nothing will be gained by further explanation of the subject. In my analysis of the constitutional problem, I called attention to, and criticized the current state system that has compelled petitioner districts to rely upon special levies to keep schools open, retain adequate professional teaching personnel, and even provide teaching materials. However, in this case it is and would be unnecessary to pass upon whether local special levies, as such, are unconstitutional or whether special levies adopted strictly at the option of local school districts, for the purpose of educational enrichment, are unconstitutional.
2. Our state constitution requires that the legislature "provide for a general and uniform system of public schools." Const. art. 9, § 2. It is and would be unnecessary to pass upon whether there may be a variance in state authorized spending in school districts for the purpose of encouraging temporary experimental programs or to meet temporary exigencies.

3. I have discussed at length the state's constitutional duty 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." Const. art. 9, § 1. At this time, however, we would not, in my proposed opinion, be required to decide whether the system eventually to be adopted by the legislature must meet any particular level of spending beyond that heretofore held not to be ample.

4. In my discussion of the unconstitutionality of the state's public education financing system, I commented critically upon the manner in which use of the local tax base of various districts created a financial inbalance. I have not suggested, however, that property taxes imposed by either the state or local districts are unconstitutional. In the same vein, I do not suggest the imposition of another type of tax. The choice, as well as the wisdom of that choice, is a legislative matter.

5. Although I would hold unconstitutional the current state system of public school financing, the status of this case does not call upon the court to pass upon whether local districts may or should set their own levels of spending, whether that is a state matter, or whether it should be divided. Again, this is a legislative matter.
6. Further, I find that the status of this case does not call upon us to resolve the merits or demerits of local versus state control of other school or educational matters. In connection with the entire picture, this is strictly a legislative matter.

7. Finally, it should be pointed out that I have not suggested an attempt to limit, or even suggested the alternative types of public school financing that are constitutionally available to the legislature. The legislature should, in my opinion be provided with an adequate opportunity to give the entire problem thorough study. The choice of system and manner of providing for a constitutionally proper system of financing public schools is for the legislature.

XII. The Time Allotment for Suitable Remedy

It is not enough merely to suggest that the present system is unconstitutional. One must also consider the available remedies. First, the relief should be prospective so the obligations incurred would not be impaired. Second, it is recognized that some period of time will be needed to establish another statutory system. In the meantime, operation of the state public education system must continue. Thus, I would hold that obligations hereafter incurred pursuant to existing statutes should be valid in accordance with the terms of those statutes. However, I would require the legislature to enact legislation compatible with my dissent effective no later than July 1, 1977. There is nothing new in this procedure. Our own court used this plan in giving the state and counties necessary leeway to retool their procedures following our decision in Carkonen v. Williams, 76 Wn.2d 617, 458 P.2d 280 (1969). A similar result is found in Robinson v. Cahill, 62 N.J. 473, 303 A.2d 273 (1973) cert.denied, sub nom Dickey v. Robinson 414 U.S. 976; see also Brown v. Board of Education, 349 U.S.294, 99 L.Ed. 1083, 75 S. Ct. 753 (1955).
UTTER, J. (Concurring in the dissent)\(^2\) -- While I join in the dissent, I do so for slightly different reasons from those emphasized in Justice Stafford's extensive and thoughtful dissenting opinion. I, too, would rely on the provisions of our state constitution, which go far beyond the federal constitution in establishing education as a primary responsibility of the State and right of its citizens.

Section 1 and 2 of article 9 of our constitution require the State, through its legislature, to make provision for an ample system of education. These sections impose a duty on the State government to directly finance at least the basic operation and maintenance budget of the schools. The present system improperly forces the school districts to rely on local funding. It therefore allows local political and social considerations, such as those reflected in decisions on special levies, to interfere with the basic state guarantee of education. As such it violates the constitutional requirement that the State itself make ample provision for the school system. This is not to say that special levies cannot be used, but only that it is impermissible that they be relied upon to meet the minimum needs of the schools.

As I read the concurring opinion of Justice Rosellini, I perceive only one pivotal difference in the outcome of our approach to this case. This is the question of whether or not the record here establishes the fact that the State is not adequately funding the basic operation and maintenance of the schools without dependence on

\(^2\#42352 - State of Washington Supreme Court Decision (1974).\)
special levies. If the record in a given case supported the trial court's determination that this was not being done, it would seem to me Justice Rosellini would also find a violation of the constitutional requirement that the legislature make provision for an ample system of education. I believe the record before us is sufficient. It shows that, however adequate or inadequate, uniform or nonuniform the financing of the schools presently is, it is now in large part out of the hands of the State. Such a situation cannot be reconciled with the strong policy and absolute language of our constitution.
APPENDIX C
APPENDIX C

Chapter 261

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 480
EDUCATION--COMMUNITY COLLEGES--
STATE BUILDING AUTHORITY

Part I. Sections affecting current education laws.

Sec. 2. Section 2, chapter 8, laws of 1967 ex. sess. and RCW 28.85.020
are each amended to read as follows:

The purpose of this chapter is to provide for the dramatically increasing
number of students requiring high standards of education either as a part of the
continuing higher education program or for occupational training, by creating a
new, independent system of community colleges which will:

(1) Offer an open door to every citizen, regardless of his academic
    background or experience, at a cost normally within his economic means;

(2) Ensure that each community college district shall offer thoroughly
    comprehensive educational, training and service programs to meet the needs of both
    the communities and students served by combining, with equal emphasis, high
    standards of excellence in academic transfer courses; realistic and practical courses
    in occupational education, both graded and ungraded; ((and)) community services
    of an educational, cultural, and recreational nature; and adult education;

(3) Provide administrative by state and local boards which will avoid
unnecessary duplication of facilities or programs; and which will encourage efficiency in operation and creativity and imagination in education, training and service to meet the needs of the community and students;

(4) Allow for the growth, improvement, flexibility and modification of the community colleges and their education, training and service programs as future needs occur; and

(5) Establish firmly that community colleges are, for purposes of academic training, two year institutions, and are an independent, unique, and vital section of our state's higher education system, separate from both the common school system and other institutions of higher learning, and never to be considered for conversion into four-year liberal arts colleges.

(10) "Community college" shall include where applicable, vocational-technical and adult education programs conducted by community colleges and vocational-technical institutes whose major emphasis is in post-high school education.

(11) "Adult education" shall mean all education or instruction, including academic, vocational education or training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate: PROVIDED, That "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate: PROVIDED, FURTHER, That "adult education" shall not include education or instruction provided by any four-year
public institution of higher education: AND PROVIDED FURTHER, That adult education shall not include education or instruction provided by a vocational-technical institute.
APPENDIX D

DESIGN FOR EXCELLENCE

WASHINGTON STATE

COMMUNITY COLLEGE SYSTEM MASTER PLAN

Volume I
Mission, History
and Goals

December 17, 1969

State of Washington
State Board for Community College Education
Dr. Albert A. Canfield, Director

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WASHINGTON STATE
COMMUNITY COLLEGE SYSTEM MASTER PLAN

Volume I
Mission, History and Goals

Washington State Board for Community College Education

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Introduction

The Community College Act of 1967 charges the State Board for Community College Education with the responsibility to prepare a "comprehensive master plan for the development of community college education and training in the state." The Board interprets this as a mandate to carry on a continuing process of long-range planning as a means of coordinating and stimulating the continual development of educational programs in the state's 22 community college districts.

Rather than being a static document, long-range planning for an educational enterprise is a dynamic process—continuous and responsive to the changing needs of the society it serves. The "Master Plan" conceived once, brought forth with fanfare, and followed unquestioningly, can insure obsolescence as effectively as no planning at all. The goals to which people aspire change as the social structure, technology, and economy change. Education, if it is to be relevant to the needs of people, must not only change but must anticipate change and plan accordingly.

This document is the first of a three volume Master Plan for the community college system in the State of Washington. Volume I contains an outline of the development of community college education in the state and the principal events leading to the creation of the present statewide system. More importantly, however, this volume contains a statement of the philosophy and the major goals of the system.
These two elements reflect the spirit within which the system will operate and help establish subsequent objectives and procedures against which the effectiveness of programs and performance are to be measured.

Volume II of the Master Plan describes the existing system of community colleges and summarizes the state system's operations for the current fiscal year. This provides the point of departure for the development plans to be presented in Volume III. It is planned that Volume II of the Master Plan will be updated each year by the state staff of the community college system and submitted as the annual report to the governor.

Volume III contains five- to eight-year projections and community college district development plans for each of the districts in the state along with estimates of the financial resources required to achieve the system master plan.

This volume will be published biennially in June in conjunction with the community college capital request. This method of presenting development plans will reflect the most current and accurate data possible.

The three volumes as described above constitute the current master plan for the state system. It is believed that the three volume format, along with the periodic updating mechanism for each volume will provide the process whereby objectives for the state system can be continuously evaluated and plans modified to meet changing needs of the communities and people to be served.

This master plan serves necessary functions of good management in a number of ways. First, it provides a set of basic data on the current status of the system from which future change can be measured and projected. Second, it
formalizes a "statement of agreement" on system mission, objectives and plans from the various elements of the system for the executive and legislative branches of state government.

Third, it fulfills the basic management tenant that an organization should record and make available to all its components its mission, goals, objectives, plans and bases for evaluation of performance.

Finally, for the citizens of Washington in whose behalf the community college system is operated, the report provides a comprehensive view of what the system is and what it plans to accomplish.

Volume I of the Master Planning Report is organized into two basic parts:

Part I describes the concept, mission and management of the system, and the manner in which these developed.

Part II contains a statement of the goals and objectives of the state system.
Part I

THE COMMUNITY COLLEGE CONCEPT AND ITS DEVELOPMENT IN WASHINGTON

The Concept

The community college is a distinctly American institution. It is based on the worth and importance of the individual. Its services are typically designed to provide an opportunity for personal accomplishment for the students who avail themselves of its educational programs and services. As an educational institution, it serves the community, it serves the state and it serves the nation.

The community college is a relatively new institution and one that must constantly face the challenge of being many things to many people. Despite problems, or perhaps because of them, the community college has a vitality that is refreshing. There is strength and dynamic energy in its constant efforts for comprehensiveness.

As the concept has evolved in Washington, the community college offers a wide array of post-high school educational programs, both job-related and academic, to an ever broadening and increasing number of clientele. Student admission policy of the community college is symbolized by the "open door"—open to all who seek its services regardless of their previous educational attainment, economic background, or age.

The orientation of the community college is strongly local. Its offerings are designed to meet the needs of the people within its district. Its programs are
usually attuned to the manpower needs of the local economy. It cooperates with local government, business, industry, and other educational institutions to help make its community more pleasant and productive.

A newcomer to American higher education, the community college has evolved from the ideal of a democratic society sustained by an educated citizenry. As the nation shifts its attention to the human needs of society, so, too, can the community college play an increasingly important role in this direction. To do this, the community college must be a flexible institution, a teaching institution, an institution designed to serve the individual. Only in recent history have the foregoing concepts of community college education come to fruition for the population residing in many sectors of Washington.

How the Concept Developed

After nearly four decades of junior college education in the state, the final groundwork was laid in 1961 for the community college as it exists today. Legislation enacted that year opened the way to statewide development of community college education and signalled the close of the junior college era.

Junior colleges, after one abortive start in 1915, had operated continuously since 1925. First acknowledged by state law in 1941, they were to remain predominantly small liberal arts colleges for another 20 years. The 1941 act provided state aid for the first time, but forbade its use to support junior colleges in counties having four-year colleges.

There was no need, apparently, to operate two-year liberal arts colleges
in the shadow of four-year institutions offering liberal arts. Thus the state's three most populous counties—King, Spokane, and Pierce—were without junior colleges. In general, junior college growth was limited in the state until the 1961 legislation removed this restriction. The 1961 act also took cognizance of the growing interest of the junior colleges in vocational and adult education. It introduced to Washington statutes the idea of the comprehensive curriculum and adopted the term "community college" to distinguish this emerging institution from its purely academic ancestor.

The consequences of this hallmark legislation were dramatic. In the next six years, the number of community colleges doubled—most of the new starts taking place in King, Pierce, and Spokane counties. Statewide community college enrollment tripled. This spectacular growth with its accompanying expense, caused the legislature to consider some stronger form of statewide organization and control.

Community colleges had been conceived and administered by local school districts since 1945. In 1967, the legislature enacted the second major community college bill within a decade to create a state system of community colleges. The Community College Act of 1967 formalized the concept of the community college as it had evolved in Washington—an independent, unique and vital section of higher education, open to all citizens, offering vocational, academic, and adult programs of equally high quality.

The biennium following enactment of the 1967 law must be considered a period of transition. The transfer of operation from local school districts to community college districts had to be accomplished. The State Board for Community College Education and twenty-two district boards had to be organized. The State Board had
to seek a director. New policies had to be adopted, communication lines established and the planning process begun. The transition is yet to be completed. But the principal foundations had been laid as the first biennium of the state system came to a close.

The Mission of the Community College

The mission of the community college system in Washington is set forth in part by the Community College Act of 1967. The law requires that the community colleges . . .

"Offer an open door to every citizen, regardless of his academic background or experience, at a cost normally within his economic means. Offer thoroughly comprehensive education, training, and service programs to meet the needs of both the communities and students served by combining, with equal emphasis, high standards of excellence in academic transfer courses; realistic and practical courses in occupational education, both graded and ungraded; and community services of an educational, cultural, and recreational nature."

The law further requires that these responsibilities be carried out with "efficiency, creativity and imagination" and that "unnecessary duplication of facilities and programs" be avoided. The law calls for orderly "growth and improvement" and specifies that "the community colleges are, for purposes of academic training, two-year institutions, and are an independent, unique and vital section" of the state's higher education system. State law does not, however, specify the higher purposes for which the community colleges should carry out these responsibilities.

What are these higher purposes? What is the significance of the open door? What are the needs of the communities and students to be served?
These are complex and difficult questions. They are intertwined in the most basic issues of public education—What is to be served and how? The question of who shall be served is answered in the foundations of our democratic society. Clearly, public education must serve the people; more specifically, the individual. But the question of how the people will be served and for what purposes is not answered in state law. The districts answer these questions through establishing programs in response to the community educational needs they identify. The State Board does so by proposing systemwide goals and then allocating resources to achieve those goals.

The State Board defines the purposes of community college education in Washington as follows:

1. To serve the individual.

By providing an opportunity for the individual to become all he is capable of being, through . . .

Acquiring needed knowledge and skills, regardless of his social station, financial status, or geographical location. Having access to a wide variety of education experiences and programs of instruction so that he may find those most appropriate to his needs and abilities.

Being able to test his own abilities and aspirations against reasonable standards in concert with his fellow students.

The achievement of these purposes will be made possible by the open-door admissions policy, the maintenance of low costs to the student, and the provision of comprehensive curriculum offerings as well as guidance, counseling, financial aid and other student services.
2. To serve the community

By contributing significantly to the social and cultural welfare of the areas they serve, through . . .

Acting as a resource center dedicated to assisting in the identification and solution of community problems. Serving as an agency for the promotion of community action and programs.

Serving as a center for community cultural, social and recreational activities.

The achievement of these purposes is to be made possible through the creative and imaginative management of resources available to the college and the community and dedicated to the service of the community, and through continuing cooperation with other appropriate community agencies.

3. To serve the state.

By producing an economic return to society that is significantly greater than the cost of the services provided, through . . .

Helping individual citizens gain greater economic security through acquisition of improved occupational and social skills that increase their effectiveness as employees. Contributing to the maintenance of a stable and effective labor force through provision of career preparation programs and programs for the retraining of persons now employed.

Supporting the general economy through contributions to increased personal productivity and reduction of the social and economic costs of non-productivity. These purposes are to be achieved through the offering of a wide range of vocational training opportunities and related guidance services to the citizens of the state.
4. To serve the nation.

By fulfilling its responsibility as a public enterprise to preserve and strengthen the state and the nation, through . . .

Dedication to the perpetuation and extension of the ideals of democracy.

Providing a continuing opportunity for citizens of all ages to participate in and contribute to the democratic process. These purposes will be achieved as the community colleges meet the personal, economic, and social needs of the people they serve. In addition, through dedication to the principles of local control within a framework of state coordination, and through broad involvement of citizens, students, teachers, trustees, administrators, and others in the governance of the institution, the community college will continue to provide an example of democracy in action.

_Carrying Out the Mission - Who is Responsible - The Legal Structure_

At first glance, a state system of community colleges appears to be a concept in contradiction. State-level supervision seems incompatible with the traditional American concept of locally-controlled public education. Local autonomy appears in conflict with state-level supervision. The state system of community colleges was not created by the legislature without controversy and difficulty. Nor has its implementation been without problems in assigning responsibility, maintaining communication, and providing for appropriate involvement of district trustees, administrators, faculty and students who have a stake in the educational process. However, in the process of making its decision to form the state system, the legislature had to face some serious questions: How many new colleges were needed?
Where were they to be located? How much money was needed? How should funds be allocated? Who was to resolve a problem if it arose regarding community college jurisdiction? Who was to set policy concerning more than one college?

The answers to the questions were fundamentally statewide in nature. Either the legislature or an agency acting in its behalf would have to deal with them.

Rather than attempt to act as a part-time super board of trustees for 22 community colleges, as well as four state colleges and two universities, the legislature chose to establish an agent—the State Board for Community College Education.

Mindful of the strengths of local autonomy, however, the legislature assured that a good measure of local control would be retained. In fact, autonomy of the individual community college was enhanced to the degree that a single body no longer supervised both the college and the K-12 program. The legislature provided for the creation of community college districts covering the entire state to stimulate extension of community college service to all citizens, and established local boards of trustees. The local boards were made responsible for the operation of the colleges in their districts subject to the authority and responsibilities outlined in the Community College Act of 1967. Assuming that the policies, rules and regulations of the State Board are followed, the local board has full authority to run its own operation, determine the curriculum, grant degrees, enforce the rules and regulations of the State Board, and promulgate those rules and regulations necessary for the administration of the district.

To the State Board, the Legislature assigned the general supervision and
control of the system, the primary fiscal responsibility for the system, the authority
to establish minimum standards, and the systemwide master planning function.

Under its fiscal responsibility, the State Board obtains, distributes, and
regulates both capital and operating funds; approves and holds title to all property;
controls fees not set by law; and governs gifts, grants, and other miscellaneous
financial transactions.

To these basic responsibilities are added the dimension of quality assurance.
The Board is required to see that the purposes of the act are carried out with
efficiency and effectiveness. The Board performs the function of developing policies
governing inter-district relationships and activities under the provision of the law
assigning to it general supervision and control of the system.

The Board also carries out the administrative duties necessary to meet the
requirements of the law—pension and insurance plan administration, system reporting,
state plans for data processing and vocational education, occupational program
coordination, system standards, district boundary adjustments, and new campus
requirements.

The Board represents the system to the legislature, the executive branch
and others inside and outside the state government.

Basically, the legislature has assigned to the State Board the responsibility
for assuring that the community college system carries out the mission assigned to it
by the legislature. In so doing, the Board must obtain adequate resources, allocate
them in such a way as to achieve the desired goals of the system, and monitor and
evaluate the system's output to determine that the resources are being used effectively
in light of the purposes for which they are allocated.

The Community College Act of 1967 has provided a framework of state-level coordination within which the individual community college is largely free to carry out the mission from which it draws its strength—providing high quality educational service relevant to the varied needs of the individual citizens of its district.

The Organization Structure

Confronted with a legal structure providing for two decision-making levels—state and district—and a community college act that permits considerable latitude for interpretation of how best to use those levels, the staff members of the state system have moved with caution in attempting to build the most effective organization possible.

District and state organizations are still in transition. Adjustments continue to be required as experience is gained in meeting the requirements of the community college act.

In the nine months following organization of the State Board, the state office operated under temporary direction and with a staff of only four professionals. Dr. Albert A. Canfield took office as State Director in March 1968. Under Dr. Canfield's leadership, the state office adopted an operating policy that can be described as coordinative and facilitative rather than directive. In line with this philosophy, the staff remained relatively small, seven in number, compared with other governmental agencies holding like responsibility.

The initial organization of the state office was functional and related closely to the major requirements of the community college act. Four assistant director
positions were established representing the functional areas of responsibility in instruction, budget and finance, planning, and systems and research, plus a specialist in communications.

Development of an inventory of instructional programs, appraisal of the systemwide instructional effort and development of required instructional policies were primary responsibilities of the instruction division during the 1968-69 college year.

The budget and finance division has been responsible for resource acquisition, allocation, and accountability. This involves development of the format for the system capital and operating budget request to the executive branch and legislature, based on requests of the 22 districts. Also required is the development of system allocation processes and a uniform accounting procedure.

The legal requirement for a master planning process required a major staff effort involving an assistant director and a planning specialist during the first biennium. The prerequisites to the planning process have been completed. Further responsibility for the planning function has now become that of the entire staff under the director's coordination and is no longer recognized as a separate organizational component.

The systems and research branch has engaged in establishing a management information system and a community college data processing state plan.

The communications specialist established channels and media for communication within the system, and carried out dissemination of reports, data, and public information as specified by the community college act.
In mid-1969, the first major organization change in the state office took place as the result of a realignment of the functions of the State Division of Vocational Education. This realignment grew out of a cooperative agreement between the Coordinating Council for Occupational Education, of which the division is an operating arm, the State Board for Community College Education and the State Board of Education. It was reached in an effort to place line responsibility for vocational education closer to the institutions in which it takes place.

Through a contractual arrangement with the Division of Vocational Education, three professional persons were transferred from the division into the state community college office to form an occupational program staff.

District Organization

When the Community College Act of 1967 took effect, each community college had an operating administrative structure. In many cases, there was an immediate need, however, to replace service functions no longer available from the governing school district.

A period of transition was required as control passed from local school boards to the newly-formed community college district boards of trustees. Division of responsibilities between the district trustees and administration had to be clarified; rules, regulations and policies had to be reviewed, and the establishment of relationships with the State Board was begun.

The effect of the new community college districts was most evident in the area of instruction as a major effort was undertaken to extend educational service
throughout the districts.

The effect of the new community college districts on most established and operating community colleges was not disruptive. In three districts, community college operations began in the same year that the statewide system was inaugurated. Although in each of these cases the planning for college operations had been initiated prior to the formation of the state system, Fort Steilacoom, Walla Walla, and Edmonds Community Colleges accepted students for the first time after the state system went into effect.

At the time the state system started, only District 5 had a multiple campus operation, Edmonds and Everett. Due to the increase in enrollments and community needs, some community college districts are contemplating or planning to operate multiple site campuses or satellite centers.

A unique approach is in effect in the only state community college district created without a functioning community college. The trustees of District 21 (Whatcom County) are contemplating the employment of a director whose job it will be to evaluate the need for educational service, then arrange for its provision through contracts with qualified personnel within the district, through cooperative arrangements with other educational agencies, and through the utilization of borrowed and leased facilities. Essentially, the plan contemplates the operation of comprehensive community college without a campus and with no immediate plans to build one.

Thus, each district is unique in the organizational problems it faces due to its geographic location and size, the state of development of its campuses, the demographic characteristics of its students, and the educational needs of the region.
and population it serves. Because of these differences, rather than mandate a single approach to internal district organization, which should be the prerogative of local trustees and administration, the state system has concentrated on developing means of obtaining and disseminating data which local districts will find useful in carrying out their administrative responsibility and lending assistance to local districts when administrative and organizational problems arise.

What may become the most far-reaching change in community college administration is presaged by the efforts that have occurred in recent months to involve a broader section of the college community in the policy-making process. Though they vary in degree and style, they generally involve policy-recommending councils or committees on which representation is provided to students, faculty and administration. Policy statements may be drafted by subcommittees, may be modified, and in turn, be accepted or rejected by a central committee which presents its policy recommendations to the board of trustees.

State-District Articulation

The greatest challenge in the management of the community college system has been the achievement of coordination between the state and district levels. Since district and system organizations are still in their formative years, efforts to improve communications and coordination will continue.

Several approaches have been evolved during the first two years of the system.

The first of these is the Council of Presidents, an organization consisting
of every community college president. The Council meets monthly to advise the State Director on operating problems. The Council has four standing committees—instruction, personnel, student services and budget and finance. The committees form recommendations for action by the whole Council and submission to the Director. The four committee chairmen act as the Director's Advisory Council—a body that establishes the agenda for Council deliberations and acts in an advisory capacity on behalf of the Council between meetings.

This organization also provides a means for coordination with other system organizations functioning as a part of the Washington Association of Community Colleges and includes deans of instruction, deans of students, etc. In addition, various ad hoc committees of college and state office personnel are organized from time to time to deal with special topics.

The second coordinative body is the Faculty Affairs Council, organized in 1969. It consists of one faculty member from each college and it advises the State Director on faculty concerns.

Another device to promote systemwide articulation, still in the planning stages, stems from the need and the desire of the districts and the state office to achieve broader involvement in the affairs of the system by all the people.

Representatives of students, faculty, trustees, administrators, and the State Board and staff have met on two separate occasions in an effort to develop a workable means of involving each component in the broad issues facing the system. It is expected that such an organization will be formally organized in early 1970.
The growing determination to achieve broader participation in decision making is fully in keeping with the democratic traditions of the community college and the spirit of the state system.
In Part I, the historical development and mission of the community college system were described. In this part, the general goals and operating objectives were outlined. The general goals of the community college system evolve from the legal responsibilities mandated by the Community College Act of 1967 and an analysis of the implied mission of the statewide system of community colleges.

First articulated in Sensible Education for the '70's, the objectives of the new system have been refined as a result of two years of operation.

The seven general goals stated in this Master Plan represent the overall conceptual framework and philosophy of the state community college system in delivering educational services to the citizens of Washington. From each general goal, a number of objectives have been specified. These specific objectives for the most part are measurable and form the basis for the system's planning efforts, policies, and programs.

The State Board for Community College Education, in keeping with its legal responsibilities, has adopted the following goals which will provide a sense of direction for the system.
General Goals of the State System

The community colleges in the State of Washington will:

1. Make high quality community college education opportunities available in locations reasonably convenient to all Washington residents.

2. Maintain an "open door" policy by admitting all applicants within the limits of the law and the resources available to the system.

3. Offer the citizens of each district a fully comprehensive array of occupational, cultural, recreational, and academic programs designed to serve their interests, needs, and aspirations.

4. Develop and employ innovative and imaginative approaches to instruction which will provide more efficient and effective learning by adapting to the needs, capabilities, and motivations of the individual.

5. Be active in the community and district, reaching beyond the campus to play an integral part in the functions of the communities and people they serve.

6. Employ management methods which will make the most effective use of available human and capital resources in providing the highest quality and quantity of education possible.

7. Develop organizational forms and operating procedures which will involve students, faculty, administrators and trustees in the formation of policies and operating decisions that affect them.

In implementing these general goals a number of operating objectives have been identified for specific action. In some cases, these operating objectives have implications for all districts. In other cases, they apply to only a portion
of the community college system. The following section enumerates each of the specific operating objectives as they relate to the seven general goals of the system.

1. **Availability of community college educational opportunities**

   Specific objectives related to this goal are:
   
   a. To provide an increasing number of community college programs within commuting distance for an increasing percentage of the state's population.
   
   b. To increase off-campus opportunities by providing programs in non-campus locations and by utilizing techniques that do not require campus facilities.
   
   c. To acquire sufficient relocatable facilities in a state pool to meet the emerging needs for classroom space in both on-campus and off-campus locations. This will allow for necessary expansion without the costly design and construction of permanent facilities.

2. **Maintenance of an "open door" policy for community college students**

   Specific objectives related to this goal are:
   
   a. To provide student service programs that attract potential students not likely to enroll otherwise.
   
   b. To assure that registration procedures are simple and convenient so that no one fails to enroll because of their complexity or difficulty.
   
   c. To retain the lowest possible tuition and fees for students, within the fiscal responsibilities of the system.
   
   d. To have every community college in the system offer effective remedial instruction.
e. To establish programs of financial aid so that no student will be
denied a community college education for financial reasons.

f. To develop and expand programs utilizing cooperative work/study
arrangements.

3. **Provision of a fully comprehensive community college program to residents**
of the state

   Specific objectives related to this goal are:

   a. To provide increased occupational education opportunities.

   b. To offer comprehensive educational opportunities in evening programs.

   c. To provide guidance and placement counseling at or above the
      nationally recommended ratio of one counselor for each 300 students.

   d. To develop community college libraries in occupational areas at a
      level consistent with those in academic areas.

4. **Development of innovative and imaginative approaches to instruction**

   Specific objectives related to this goal are:

   a. To adopt a systems approach to development and evaluation of
      instructional objectives and methods.

   b. To provide consultant services, workshops, and other in-service
      activities to assist faculty and administrators in the improvement of instruction
      throughout the system.

   c. To devote a portion of district operating funds to (1) institutional
      research to better identify educational needs and evaluate performance in
      meeting them, and (2) support special efforts to improve instructional effectiveness
and efficiency.

d. To offer educational programs on a continuous and nongraded basis and to convert suitable programs to such a basis as quickly as practical.

e. To utilize modern technology and methods in developing libraries as centers for instructional stimulation, individual study through multiple media, and resources for the support of innovative and imaginative instruction.

5. Provision of community services

Specific objectives related to this goal are:

a. To extend the human and physical resources of the system to the solution of community problems.

b. To initiate educational programs sharing personnel and facilities with business, industry, labor, government, and civic agencies.

c. To provide recreational and cultural activities to the public and to encourage public use of college facilities.

d. To cooperate with other community agencies in the development of community cultural-recreational-educational centers.

e. To extend the use of lay advisory committees in state and district planning processes.

6. Employment of effective and efficient management methods

Specific objectives related to this goal are:

a. To employ a "system" approach to planning, program determination, evaluation and resource allocation throughout the community college system.
b. To develop and establish a comprehensive and integrated management information system to provide uniform system-wide data on which decisions can be based.

c. To obtain appropriate long-range sources of funds for community college operations and capital expansion.

d. To develop allocation and evaluation procedures to distribute equitably available financial resources, and insure continuing progress toward achievement of the priority needs of the system.

7. Development of participative methods for policy formation and decision making

   Specific objectives related to this goal are:

   a. To involve business, industry, labor, government, and the community in the identification of needs and in their solution.

   b. To evaluate the distribution of responsibilities and functions to the State Board and the local district boards of trustees, establishing policies which clearly define their relative roles.

   c. To develop effective means of involving administrators, faculty and students in policy formulation and decision making at both local and state levels.

   d. To provide appropriate means and methods for regional cooperation among the districts and between them and other agencies.

   In achieving these objectives, the State Board for Community College Education pledges its commitment to the mission of the community college system as set forth in law and amplified in the general goals of the system.

   The Board seeks to maintain the uniqueness, the independence, and the
vitality of community college education in Washington, because the Board believes that the community college, as a wholly American expression of the democratic ideal in education, makes uniquely dramatic and significant contributions to the quality of life for the state's citizens.

The Board is dedicated to the realization of the full potential of the Washington community college system. It seeks to provide Washington with nothing less than the finest community college system in the United States.
APPENDIX E

THE ADULT EDUCATION ACT

Short Title

Sec. 301. This title may be cited as the "Adult Education Act"

Statement of Purpose

Sec. 302. It is the purpose of this title to expand educational opportunity and encourage the establishment of programs of adult public education that will enable all adults to continue their education to at least the level of completion of secondary school and make available the means to secure training that will enable them to become more employable, productive, and responsible citizens.

Definitions

Sec. 303. As used in this title--

(a) The term "adult" means any individual who has attained the age of sixteen.

(b) The term "adult education" means services or instruction below the college level (as determined by the Commissioner), for adults who--

1 This is a compilation of the Adult Education Act, P.L. 91-230, and all of its amendments, including P.L. 93-380, through August 21, 1974.
secondary education and who have not achieved an equivalent level of education, and

(2) are not currently required to be enrolled in schools.

(c) The term "adult basic education" means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

(d) The term "Commissioner" means the Commissioner of Education.

(e) The term "Community school program" is a program in which a public building, including but not limited to a public elementary or secondary school or a community or junior college, is used as a community center operated in conjunction with other groups in the community, community organizations, and local governmental agencies, to provide educational, recreational, cultural, and other related community services for the community that center serves in accordance with the needs, interests, and concerns of that community.

(f) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such
combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools, except that, if there is a separate board or other legally constituted local authority having administrative control and direction of adult education in public schools therein, such term means such other board or authority.

(g) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico and (except for the purposes of section 305(a)) Guam, American Samoa, the Trust Territory of the Pacific Island, and the Virgin Islands.

(h) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or if there is a separate State agency or officer primarily responsible for supervision of adult education in public schools then such agency or officer may be designated for the purpose of this title by the Governor or by State law. If no agency or officer qualifies under the preceding sentence, such term shall mean an appropriate agency or officer designated for the purposes of this title by the Governor.

(i) The term "academic education" means the theoretical, the liberal, the speculative, and classical subject matter found to compose the curriculum of the public secondary school.

(j) The term "institution of higher education" means any such institution as defined by section 801(e) of the Elementary and Secondary Education Act of 1965.
Grants to States for Adult Education

Sec. 304. The Commissioner is authorized to make grants to States, which have State plans approved by him under section 306 for the purposes of this section, to pay the Federal share of the cost of (1) the establishment or expansion of adult basic education programs to be carried out by local educational agencies and private nonprofit agencies, and (2) the establishment or expansion of adult education programs to be carried out by local educational agencies and private nonprofit agencies.

Allotment for Adult Education

Sec. 305. (a) From the sums available for purposes of section 304(b)\(^2\) for the fiscal year ending June 30, 1972, and for any succeeding fiscal year, the Commissioner shall allot (1) not more than 1 percent thereof among Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under such section, and (2) $150,000 to each State. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of adults who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools in such State bears to the number of such adults in all States. From the sums available for

\(^2\)P.L. 93-380 repealed subsection 304 (a) and redesignated subsection 304(b) as section 304.
purposes of section 304(b)\(^3\) for the fiscal year ending June 30, 1970, and the succeeding fiscal year, the Commissioner shall make allotments in accordance with section 305(a) of the Adult Education Act of 1966 as in effect on June 30, 1969.

(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Commissioner determines will not be required, for the period such allotment is available, for carrying out the State plan approved under this title shall be available for reallocation from time to time, on such dates during such period as the Commissioner shall fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Commissioner estimates such State needs and will be able to use for such period for carrying out its State plan approved under this title, and the total of such reductions shall be similarly reallocated among the States whose proportionate amounts are not so reduced. Any amount reallocated to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

State Plans

Sec. 306. (a) Any State desiring to receive its allotment of Federal funds for any grant under this title shall submit through its State educational agency a State plan. Such state plan shall be in such detail as the Commissioner deems necessary, and shall—

(1) set forth a program for the use of grants, in accordance with

\(^3\)Ibid.
304(b)\(^4\), which affords assurance of substantial progress with respect to all segments of the adult population, including institutionalized persons, and all areas of the State, toward carrying out the purposes of such section, That not to exceed 20 percent of the funds used to carry out this Act for any fiscal year may be used for the education of institutionalized persons;

(2) provide for the administration of such plan by the State educational agency;

(3) provide for cooperative arrangements between the State educational agency and the State health authority authorizing the use of such health information and services for adults as may be available from such agencies and as may reasonably be necessary to enable them to benefit from the instruction provided pursuant to this title;

(4) provide for grants to public and private nonprofit agencies for special projects, teacher-training, and research;

(5) provide for cooperation with Community Action programs, Work Experience programs, VISTA, Work Study, and other programs relating to the anti-poverty effort;

(6) provide for cooperation with manpower development and training programs and occupational education programs, and for coordination of programs carried on under this title with other programs, including reading improvement programs, designed to provide reading instruction for adults carried on by State and local agencies;

\(^4\)ibid., p. 3
(7) provide that such agency will make available not to exceed 20 percent of the State's allotment for programs of equivalency for a certificate of graduation from a secondary school;

(8) provide that such agency will make such reports to the Commissioner, in such form and containing such information, as may reasonably be necessary to enable the Commissioner to perform his duties under this title and will keep such records and afford such access thereto as the Commissioner finds necessary to assure the correctness and verification of such reports;

(9) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid the State under this title (including such funds paid by the State to local educational agencies and private nonprofit agencies);

(10) provide that special emphasis be given to adult basic education programs except where such needs can be shown to have been met in the State;

(11) provide that special assistance be given to the needs of persons of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965), by providing bilingual adult education programs in which instruction is given in English and, to the extent necessary to allow such persons to progress effectively through the adult education program, in the native language of such persons, carried out in coordination with programs of bilingual education assisted under such title VII and bilingual vocational education programs under the Vocational Education Act of 1963; and

(12) provide such further information and assurances as the Commissioner
may by regulation require.

(b) The Commissioner shall not finally disapprove any State plan submitted under this title, or any modification thereof, without first affording the State educational agency reasonable notice and opportunity for a hearing.

Payments

Sec. 307. (a) Except as provided in subsection (b), the Federal share of expenditures to carry out a State plan shall be paid from a State's allotment available for grants to such State. The Federal share for each State shall be 90 percent, except that with respect to the Trust Territory of the Pacific Islands such Federal share shall be 100 percent.

(b) No payment shall be made to any State from its allotment for any fiscal year unless the Commissioner finds that the amount available for expenditure by such State for adult education from non-Federal sources for such year will be not less than the amount expended for such purposes from such sources during the preceding fiscal year, but no State shall be required to use its funds to supplant any portion of the Federal share.

Clearinghouse on Adult Education

Sec. 309A. The Commissioner shall establish and operate a clearinghouse on adult education, which shall collect and disseminate to the public information pertaining to the education of adults and adult education programs, together with ways of coordinating adult education programs with manpower and other education programs. The Commissioner is authorized to enter into contracts with public agencies
Special Projects for the Elderly

Sec. 310. (a) The Commissioner is authorized to make grants to State and local educational agencies or other public or private non-profit agencies for programs to further the purpose of this Act by providing educational programs for elderly persons whose ability to speak and read the English language is limited and who live in an area with a culture different than their own. Such programs shall be designed to equip such elderly persons to deal successfully with the practical problems in their everyday life, including the making of purchases, meeting their transportation and housing needs, and complying with governmental requirements such as those for obtaining citizenship, public assistance and social security benefits, and housing.

(b) For the purpose of making grants under this section there are authorized to be appropriated such sums as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year ending prior to July 1, 1975.

(c) In carrying out the program authorized by this section, the Commissioner shall consult with the Commissioner of the Administration on Aging for the purpose of coordinating, where practicable, the programs assisted under this section with the programs assisted under the Older Americans Act of 1965.
State Advisory Councils

Sec. 310A. (a) Any State which receives assistance under this title may establish and maintain a State advisory council, or may designate and maintain an existing State advisory council, which shall be, or has been, appointed by the Governor or, in the case of a State in which members of the State board which governs the State education agency are elected (including election by the State legislature), by such board.

(b) (1) Such a State advisory council shall include as members persons who, by reason of experience or training, are knowledgeable in the field of adult education or who are officials of the State educational agency or of local educational agencies of that State, persons who are or have received adult educational services, and persons who are representative of the general public.

(2) Such a State advisory council, in accordance with regulations prescribed by the Commissioner, shall--

(A) advise the State educational agency on the development of, and policy matters arising in, the administration of the State plan approval pursuant to section 306;

(B) advise with respect to long-range planning and studies to evaluate adult education programs, services, and activities assisted under this Act; and

(C) prepare and submit to the State educational agency, and to the National Advisory Council on Adult Education established pursuant to
section 311, an annual report of its recommendations, accompanied by such additional comments of the State educational agency as that agency deems appropriate.

(c) Upon the appointment of any such advisory council, the appointing authority under subsection (a) of this section shall inform the Commissioner of the establishment of, and membership of, its State advisory council. The Commissioner shall, upon receiving such information, certify that each such council is in compliance with the membership requirements set forth in subsection (b) (1) of this section.

(d) Each such State advisory council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (c) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State advisory council, except that such rules shall provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning adult education.