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McCleary sanctions should advance, not restrict, educational opportunity

Child advocates to state Supreme Court: Low-income students and students of color face barriers

The state Supreme Court must not order action that would endanger children's constitutional rights to educational opportunity.

So says an Amici Curiae brief filed by four organizations working together to advocate for kids in the context of the McCleary decision. The organizations are Columbia Legal Services, the Equity in Education Coalition, the Children's Alliance and the Washington Low Income Housing Alliance.

Almost half of all Washington children—4 in 10—live in a family with inadequate income. And a rising share of the state's student body are children of color, who tend to face implicit, institutional and structural racial bias that forms imposing barriers to their success. These factors—whether they take the form of financial insecurity, homelessness, foster care placement, poorer access to health care or household hunger—make a child's educational opportunity fragile.

The brief argues that, as the Court considers next steps in its oversight of the McCleary decision, it must avoid harm to social service programs that stabilize families and schools, protecting children. To do otherwise would further endanger children's rights to educational opportunity.

"Education is a primary pathway out of poverty," says Jon Gould, deputy director of the Children's Alliance. "When the route to educational success is blocked for some children, our entire state suffers for years to come. When almost half of students are denied the resources they need to succeed in school, we all feel the consequences. Today's disparities in educational outcomes for children in low-income families and students of color are unacceptable. The next steps in the McCleary case should be laser-focused on improving student outcomes and closing these gaps. Today's children will soon become tomorrow's parents, workers, volunteers, and decision-makers. All Washington's children need a wide, broad path forward into the healthy futures we dream for them."

Poverty often forces changes in schools and other threats to academic achievement. Social programs like Temporary Assistance for Needy Families, State Food Assistance, the Washington Families Fund,

the foster care system, and the Housing Trust Fund provide a source of stability that keeps kids learning.

Yet in defining basic education, the Legislature has not included non-academic supports commonly relied upon by low-income students and their families. If ample funding for education pursuant to McCleary comes at the expense of such programs—including early learning—educational opportunity would suffer another setback.

“The constitutional promise of McCleary can never be met if we don’t invest in all of our kids,” says Katara Jordan, staff attorney with Columbia Legal Services. “If some students are allowed—or worse, compelled—to fall further behind, we all suffer the consequences in every Washington classroom and in our state as a whole. Educational opportunity must be available to all students, no matter their race or socio-economic background. Remedies that deny or impair the supports that students need to thrive in the classroom are unacceptable.”

“Making ample provision for the opportunity of a basic education means we serve students—each and every student—in schools. It means we honor their parents, we honor all the cultures and families that make up Washington’s communities, and we make sure their basic needs are met. We prevent educational crises brought on by health problems, an eviction, a job loss or incarceration in the family from ending a child’s opportunity to an education and a bright future. And we do so in collaboration with early learning and higher education—and not in competition,” says Sharonne Navas, co-founder and executive director of the Equity in Education Coalition.

“We need more money flowing into educational systems, including early learning and higher education, because our educational systems need to be responsive to the hurdles our students face, like homelessness, hunger and poverty,” Navas continues. “A well-funded educational system can mitigate these hurdles.”

“It is imperative that we not only fund basic education for all students in Washington, but that we eliminate barriers to educational opportunity for low-income and homeless students,” says Rachael Myers, executive director of the Washington Low Income Housing Alliance. “This means providing for children’s basic needs outside the classroom too. Things like having a safe home and enough food to eat make all the difference in whether or not a child can truly take advantage of great classrooms. Sacrificing one to fund the other is like cutting off the head to save the body.”

The Amicus parties have expertise in non-academic supports that bolster educational opportunity, such as affordable housing and homelessness prevention, foster care, food security and other services. They argue that the Court and the Legislature should eliminate barriers to opportunity. The Amicus participants are:

Columbia Legal Services (www.columbi legal.org) has extensive expertise advocating for the rights of homeless families and children and foster children, and to fund programs that provide an income to families with children, such as Temporary Assistance for Needy Families.

The Equity in Education Coalition (www.eec-wa.org) is a statewide coalition of communities of color working toward a more targeted and comprehensive approach to close the opportunity gap. It works to provide an excellent education to children of color, children who live in low-income households, children with special education or language needs and children from immigrant and refugee communities.

The Children's Alliance (www.childrensalliance.org) is a membership-based organization of 10,000 individuals and 58 member organizations. It works to improve the well-being of children through positive change in public policies, priorities and programs. The Children's Alliance convenes public and private partner organizations and leaders so they can collaborate on issues affecting kids and families.

The Washington Low Income Housing Alliance (www.wliha.org) works to ensure that everyone in Washington can live in a safe, healthy, affordable home. Since 1988, the Housing Alliance has worked to improve public policy and public investments in affordable homes to achieve this mission, in partnership with 140 organizational members and 8,000 individual members, nonprofit housing providers, social service providers and homeless service providers.

The brief, filed June 7, is available on the [state Supreme Court's McCleary page](#), or by clicking [here](#).

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