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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR KING COUNTY

DA-ZANNE PORTER, MARTHA  
MCLAREN, and CLIFFORD MASS,

Plaintiffs,

NO. 09-2-21771-8 SEA

v.

SEATTLE SCHOOL DISTRICT NO. 1,  
IN KING COUNTY, STATE OF  
WASHINGTON, BOARD OF  
DIRECTORS OF SEATTLE SCHOOL  
DISTRICT NO. 1, and MARIA  
GOODLOE-JOHNSON, Superintendent  
and Secretary of the Board,

Defendants.

FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND  
ORDER

THIS MATTER having come on for hearing, and the Court having considered the pleadings, administrative record, and argument in this matter, the Court hereby enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. On May 6, 2009, in a 4-3 vote, the Seattle School District Board of Directors chose the Discovering Series as the District's high school basic math materials.
2. In making its decision, the Board considered:

ORIGINAL

- 1 a. A recommendation from the District's Selection Committee;
- 2 b. A January, 2009 report from the Washington State Office of Public  
3 Instruction ranking High School math textbooks, listing a series by the Holt  
4 Company as number one, and the Discovering Series as number two;
- 5 c. A March 11, 2009, report from the Washington State Board of  
6 Education finding that the Discovering Series was "mathematically unsound";
- 7 d. An April 8, 2009 School Board Action Report authored by the  
8 Superintendent;
- 9 e. The May 6, 2009 recommendation of the OSPI recommending only  
10 the Holt Series, and not recommending the Discovering Series;
- 11 f. WASL scores showing an achievement gap between racial groups;
- 12 g. WASL scores from an experiment with a different inquiry-based  
13 math text at Cleveland and Garfield High Schools, showing that WASL scores  
14 overall declined using the inquiry-based math texts, and dropped significantly for  
15 English Language Learners, including a 0% pass rate at one high school;
- 16 h. The National Math Achievement Panel (NMAP) Report;
- 17 i. Citizen comments and expert reports criticizing the effectiveness of  
18 inquiry-based math and the Discovering Series;
- 19 j. Parent reports of difficulty teaching their children using the  
20 Discovering Series and inquiry-based math;
- 21 k. Other evidence in the Administrative Record;
- 22 l. One Board member also considered the ability of her own child to  
23 learn math using the Discovering Series.
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1 3. The court finds that the Discovering Series is an inquiry-based math  
2 program.

3 4. The court finds, based upon a review of the entire administrative record,  
4 that there is insufficient evidence for any reasonable Board member to approve the  
5 selection of the Discovering Series.

6 CONCLUSIONS OF LAW

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8 1. The court has jurisdiction under RCW 28A.645.010 to evaluate the Board's  
9 decision for whether it is arbitrary, capricious, or contrary to law;

10 2. The Board's selection of the Discovering Series was arbitrary;

11 3. The Board's selection of the Discovering Series was capricious;

12 4. This court has the authority to remand the Board's decision for further  
13 review;

14  
15 5. Any Conclusion of Law which is more appropriately characterized as a  
16 Finding of Fact is adopted as such, and any Finding of Fact more appropriately  
17 characterized as a Conclusion of Law is adopted as such.

18 ORDER

19 IT IS HEREBY ORDERED:

20 The decision of the Board to adopt the Discovering Series is remanded for further  
21 proceedings consistent with this opinion.

22 Dated this 4<sup>th</sup> day of February, 2010.

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27 THE HONORABLE JULIE SPECTOR  
28 KING COUNTY SUPERIOR COURT JUDGE