



BriefCASE

Commentary about Legislative Issues in Colorado

August 24, 2011

Lobato trial shifts gears

The defense attorneys for the state have started a lineup of witnesses that they believe will help make the case that the state already provides adequate funding for schools. We believe that many of the witnesses are selected based on their expert backgrounds or professional positions, either in terms of a role with the state, or due to their expressed belief that schools are properly funded.

This morning (8/24) Lieutenant Governor Joe Garcia kicked things off with his testimony. He spoke immediately about the need for education as a part of job creation, as well as some of the Hickenlooper administration's aspirational goals. Garcia stated, "It is important to improve educational outcomes at all levels." He endured a tough cross-examination by the plaintiffs and plaintiff intervener (MALDEF—Mexican American Legal Defense and Educational Fund).

Garcia said he would like to see more resources available at all levels in the state, but cautioned that new money needs to be coupled with good policies. He answered, "I am." When asked if he was sympathetic to the plaintiffs and plaintiff intervener. He agreed that there have always been inequities in public education.

Hanushek to take the stand

Tomorrow (8/25) the defense will bring in Eric Hanushek as an expert witness to testify that schools can continue to do more with less and meet the "thorough and uniform" provision in our state's constitution. Hanushek is a senior fellow at the Hoover Institution who has written a book entitled: *Courting Failure: How School Finance Lawsuits Exploit Judges' Good Intentions and Harm our Children*.

Darling-Hammond shines for plaintiffs

The plaintiffs brought their final expert witness, Stanford Professor Linda Darling-Hammond, on Friday, August 19. She testified about the need to focus on teacher quality and other factors for student success. Hammond stated that salaries matter for retaining teachers, but matter more for attracting teachers. "Working conditions matter a lot," she said. "Teachers are much more likely to leave teaching if they have had inadequate pre-service instruction and induction."

She concluded, "There is always the possibility of spending existing resources more strategically, but it is hard to imagine implementing a new standards-based system without additional investment."

Now in the fourth week

Lobato has entered into the fourth week of a planned five-week trial that will help determine if there is a rational connection between school funding and what schools are expected to do. For up to date information on the trial, visit lobatocase.org. You can follow witness testimony and also sign up for the Twitter feed.

Two superintendents pen Lobato op ed

Last Friday, August 19, an opinion editorial by CASE member and Jeffco superintendent Cindy Stevenson and CASE President George Welsh, superintendent of Center schools, ran in the *Denver*

Post. In the piece, Stevenson and Welsh make a compelling argument about the inadequacy of Colorado public school funding and why the Lobato case is so important. We've reprinted the entire column below:

Lobato v. State of Colorado

The Colorado school budget landscape is not a pretty picture.

To make ends meet, many districts are offering fewer hours of instruction, switching to four-day weeks, or cutting electives and foreign languages. Numerous districts can't even offer coursework necessary for a student to enter a four-year college.

Some high schools are filling core classes with as many as 40 students. School libraries are closing their doors and some parents are paying for their children to ride a bus to school. Some school budgets are so tight that the PTAs help is needed just to provide supplies for the photocopier.

The litany goes on while the erosion of resources continues.

Colorado's school funding system simply does not work. The latest recession has added enormous strain to an already long struggle. Annual decisions for school funding become political tussles among competing interests. State budget deliberations continually ignore the constitutional requirement that Colorado provide a thorough and uniform education for all students. The funding system drifts, completely unmoored from our state's core tenets.

That's what *Lobato v. State of Colorado*, now being tried in a Denver courtroom, is all about. It was first filed by parents and school districts in 2005.

Lobato says, "Enough!" Colorado school districts have continually stepped up to wave after wave of reform. It's now time for the Colorado General Assembly to step up and meet the requirements of the Colorado constitution.

The *Lobato* lawsuit says students are being denied a right under the state constitution. *Lobato* says the state has failed to calculate the cost of what it expects schools to produce. *Lobato* says the state has inserted itself into core areas of teaching and learning—setting standards, requiring schools to administer assessments, controlling school improvement plans, and even detailing how educators must be evaluated.

Meanwhile education funding doesn't cover the costs.

School districts have met recent economic challenges with a "can do" spirit. They have continually cut administrators and now are cutting teachers and watching classroom conditions erode.

Since 2008 when it was determined that the state was \$1,809 below the national average in terms of per pupil funding, Colorado has continued to cut hundreds of millions of dollars from school district budgets.

The toll is paid on a daily basis as reflected in the constitutionally inadequate quality of schools and instructional programs. Teachers, principals and parents feel the squeeze, but it is our current generation of children who are paying the highest price:

- Achievement levels need improvement (based on the National Assessment of Education Progress and other measures).
- Enormous achievement gaps exist between minority students and their white peers, between English Language Learners and those who come from families where English is the primary language, and between students above and below the poverty line.
- Large gaps exist in the graduation rates of white students and those of black and Hispanic students.

Denver District Judge Sheila A. Rappaport is hearing specific, detailed testimony that paints a clear picture of the financial reality in school districts today, accompanied by detailed testimony about the troubling patterns of student outcomes. (The trial began Aug. 1 and is expected to last about five weeks.)

The “thorough and uniform” provision of our constitution is not a vague standard. We believe it’s clear that the current system produces neither a thorough nor a uniform education. How can it be “thorough” when even basic services are a challenge for many districts to deliver? How can it be “uniform” when thousands of students drop out every year? With resource constraints, how can we provide more time—a longer school year and more time in class—to those kids who need it most?

CASE Superintendents Conference one month out

On September 22-23, CASE will convene its Annual Superintendents Conference in Colorado Springs. The event will focus on the top issues impacting Colorado public education, including school funding, major education initiatives, and effectively messaging the value of our schools. Just this week CASE added several items to the conference agenda that include a briefing and discussion with Lt. Governor Joe Garcia on the state’s new literacy initiative (more on the initiative below), a panel presentation by lead plaintiff attorneys in the Lobato trial, and an update from Charlie Brown, the Director of the University of Denver’s Center for Colorado’s Economic Future, on a comprehensive study of the state’s fiscal stability.

If you haven’t already registered, call CASE at (303)762-8762 or click [here](#). We hope to see you at the conference next month.

New grant will fund literacy efforts

Yesterday (8/23), Governor Hickenlooper and Lt. Governor Garcia announced that Mile High United Way has received a two-year grant for \$3.6 million from Corporation for National and Community Service under its Social Innovation Fund. The monies will be used as part of the state’s collaborative efforts with Mile High United Way and CDE to target early childhood literacy.

In his remarks, Governor Hickenlooper stated, “The Social Innovation Fund will support the state’s early childhood literacy initiative and augment the many literacy programs and efforts happening in Colorado’s schools.”

The literacy initiative will begin at a grassroots level with community outreach and conversations across the state.

Lt. Governor Joe Garcia (or his representative) will provide an update on this effort at next month’s Annual CASE Superintendents Conference. At that time, the Lt. Governor will also hear from conference attendees about work already underway in this area in schools and districts across the state.

Secure Rural Schools Reauthorization

A statewide coalition, including CASE, CASB the Rural School Caucus, the BOCES and Colorado Counties Inc. (CCI), is working with a national partnership to reauthorize the Secure Rural Schools and Community Self Determination Act and to include funding in the 2012 budget. Unfortunately, the U.S. House and the Senate are in very different places, and at this point in time, the House is focused on forest management issues that have nothing to do with the schools in 40 Colorado counties that currently receive these funds. We are working with the national partnership to highlight why the funds make a difference, especially in rural areas of the state that are unable to tax wide swaths of federal forest land. I serve on the Board of the national Partnership for Rural America and will continue fighting for reauthorization at reasonable levels. For a PowerPoint presentation about Secure Rural Schools, click [here](#).

What is the Origin of the Contract with Rural Communities?

- 1891 Forest Reserve Act enacted, 40 million acres of forest lands are placed in Forest Reserves
- 1905 Forest Reserves are renamed National Forests
- 1906 President Theodore Roosevelt proposes revenue sharing to promote multi-use conservation on forested lands
- 1908 Congress passes a 25% revenue sharing program (25% of receipts from forest lands returned to the counties) to support roads and public schools
- 1980s National policies diminish ability to generate revenue from National Forests
- 1998 Revenues from national forest activities and payments decline by 70%
- 1998 National Forest Counties and Schools Coalition is formed to promote multiple-use management of national forests and to secure payments to forested counties and rural schools
- 2000 SRSCA signed into Law
- 2007 SRSCA extension
- 2008 SRSCA reauthorization
- Today -193 million acres of forest land are set aside for the enjoyment of all citizens. These forests protect and house watershed that provide clean and safe drinking water supply (both urban and rural) across the nation.

Questions or Comments on this BriefCASE? Contact Bruce Caughey at 303.762.8762 x105 or bcaughey@co-case.org



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