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Another year, another school lawsuit

The Montana Quality Education Coalition has returned, predictably, with another lawsuit aimed at compelling the state to provide funding for an ever-elusive "quality" education.

It should be plain as day that quality-education litigation is something that taxpayers could potentially face every few years, the problem being that "quality" is a term subject to evolving definitions. And there is the persistent, underlying presumption that quality education comes about through increased funding — the coalition's bottom-line objective.

The coalition is backed by a 2004 court ruling on a similar lawsuit that found the state's school funding system is unconstitutional because it failed to determine the costs of providing a quality education, and it failed to establish a funding formula based on those costs. The 2005 Legislature attempted to address the issue — mainly with an 8 percent statewide funding increase.

Soon after, Gov. Brian Schweitzer declared that the state had satisfied terms of the court ruling.

The coalition didn't see things that way, but Schweitzer bluntly warned members in a face-to-face meeting against pursuing further litigation.

"The bottom line that I tried to address to them, is that they are losing a public-relations battle," the governor said in January 2006. "The folks across Montana have had it with taxpayers suing taxpayers and taxpayers picking up the bill on both sides."

Once again, the coalition maintains that schools are being inadequately funded, and in many districts and situations those claims may be justified. But suing Montana taxpayers on claims they have not hit the perpetually moving target of "quality education" shouldn't be a repetitive pursuit.

It's telling that one of the coalition's original partners — the Montana Rural Education Association — didn't appreciate the coalition's tactics. The association, which represents small districts across the state, left the coalition largely because it had attempted to strong-arm legislators with a study calling for an outlandish \$700 million in increased education funding at a time when that kind of money was nowhere to be found.

"MREA argued vigorously, to no avail, against the release of the study, which we believe was riddled with errors," a recent association members' briefing stated. "The \$700 million study placed education groups in a very difficult position as the 2007 Special Legislative Session convened.

"Many of our members have continued to voice objections and strong concern over the unrealistic and unreasonable projections of over \$700 million included in the study. We believe that these projections have created barriers to building a productive relationship with legislators and policy-makers."

Riddled with errors. Unrealistic. Unreasonable.

Those aren't exactly glowing descriptions of what was one of the main weapons in the coalition's legal attack.

Pursuing productive relationships with legislators and policy-makers should be the preferred route for the education establishment. Some legislators and policy-makers are interested in accountability, seeing actual improvements in test scores and other measures of educational quality.

Suing taxpayers for more funding doesn't necessarily deliver it.

Taken from the Missoulian

Schools, state must work together on budget - Sunday, February 3, 2008

SUMMARY: Educators should defend spending if they want a boost in funding.

The Montana Quality Education Coalition is taking the state to court - again. The coalition is expected to file a lawsuit against the state of Montana sometime this week. It will be the coalition's second such suit, aimed at forcing the state to meet the obligations that were laid out by the court after the first round .

School officials say the suit is necessary because school districts across Montana are predicting budget shortfalls this fiscal year. They say they might have to lay off their newest teachers and cut some programs because the 1.9 percent increase provided by the state for the coming year isn't enough to make ends meet. They're going to the courts to ask for "relief" until the 2009 Legislature can come up with a consistent budget to pay for quality education in Montana.

Meanwhile, Gov. Brian Schweitzer has been telling everyone who will listen that the schools have received what amounts to a 24 percent increase since he took office in 2004, and are scheduled to get an additional 1.9 percent increase slated for this fiscal year. He has lots of charts and graphs to illustrate this point.

But he also offered a warning that the state expects to tighten its belt for the next few years. If the schools need more money than they're getting, he said, they must be prepared to explain what they've done with the money they already got. He's correct to point out that a detailed accounting of how much money is being spent on energy costs, classroom costs and administrative costs, among others, will only help the schools' case.

As Schweitzer is well aware, more than a few people in Montana regard the school system as an insatiable money hole. And they aren't impressed by perennial threats to cut programs and personnel, and another lawsuit against the state isn't going to help matters.

School officials need to start unraveling the complicated web of costs and factors that impact their budgets, and lay them out for everyone to see.

We know they were severely underfunded in previous years, and the increases they've enjoyed recently were needed just to help them catch up. Now we need to know exactly what their costs are. It wouldn't hurt for school officials to do as Schweitzer suggests and start comparing their budgets.

And the schools shouldn't wait for the state to lead them in that effort. The state has its own work to do; it should be hammering out a funding formula to take to the next legislative session. Both the state and the schools should work together on both projects.

Everyone's needs would be better served if both the state and the schools took care of their part of the budgeting process. After all, you can't pencil out a balanced budget if you don't have a clear idea of what your revenues or your costs are. If the schools took care of the cost side, and the state took care of the revenue side, they would both benefit. But they have to stop waiting for the other side to get started.

Majority: More money for schools

By Independent Record - 02/04/08

Last week's Question of the Week asked if readers thought the state has complied with the court's school-funding order. A large majority thought not.

Among 698 responses to this unscientific poll, 443 said the state has yet to fund a "basic system of free quality public elementary and secondary schools," while 255 said it has.

Gov. Brian Schweitzer, recently noting that schools have received large increases in state assistance during his years in office, challenged schools to explain why they still want more. Meanwhile, administrators at many school districts, including Helena's, have said they face significant shortfalls for the next school year.

Some readers' comments:

- The state has been short changing public schools for years, putting an increasing burden on property owners. While recent hikes have been nice, the state still does not provide for an adequate system of education. And because schools already have implemented just about all the cost cutting they can possibly do, it's the kids who will pay.

- The governor says schools should be accountable for how they spend taxpayers' money. A lot of people have thought that for a long time.

- Among the reasons reason school costs keep going up is that they keep being told to do more things, including the hugely expensive teaching of special education or at-risk students, they need to address maintenance and technological needs that have been deferred for too long, and they have to compete for high-quality teaching staff. Without adequate funding, the education of the overall student population is bound to suffer.

- School funding is like a black hole in space. It will take everything and want more.

- Sure, schools have to compete with other government problems for cash. Meanwhile, we keep getting tax rebates or credits because of a state revenue surplus. We get a few hundred bucks, our children's education goes downhill. Go figure.

Schools give state a failing grade

By **MIKE DENNISON - IR State Bureau - 02/06/08**

As expected, school groups that sued the state over inadequate public-school funding in 2003 went back to court Tuesday, asking a judge to forestall potential school program cuts across the state this fall.

The coalition of school districts, education groups and parents asked District Judge Jeffrey Sherlock of Helena to find that the state has not fully complied with his 2004 order, which said Montana must design and provide funding for a constitutionally guaranteed "basic system of free quality" schools.

If Sherlock agrees the state hasn't complied, he then should order "injunctive relief," so schools won't have "forced cuts due to inadequate state funding" this fall, the court filing said.

Just what form that relief may take was not detailed in court papers. Tom Cotton, superintendent of Deer Lodge elementary schools, said Tuesday it could take a special session of the Legislature to appropriate more state money for schools.

"I think the judge would tell (the Legislature) that they'd have to go back and provide the proper level of funding," said Cotton. "It ultimately has to go back to the Legislature."

Cotton is chairman of the board of the Montana Quality Education Committee, which organized the original 2003 lawsuit that led to Sherlock's 2004 ruling that said state funding of schools is constitutionally inadequate. The Montana Supreme Court upheld his decision. Legislative leaders and Gov. Brian Schweitzer, a Democrat, have opposed calling a special session to provide more school funding. They note that state funding for schools increased about 25 percent from 2006-2009, although the last year's increase is only 1.9 percent.

A hearing before Sherlock on the schools' latest court action may be scheduled sometime this spring.

Attorney General Mike McGrath will handle the state's response, but had no comment Tuesday. Both McGrath and Schweitzer have said earlier they believe the school-funding lawsuit is moot, because the Legislature increased state funding and took steps to address other funding issues in 2005 and 2007.

MQEC and the plaintiffs in the original lawsuit disagree, saying state funding for public schools is falling back into the same pattern that led to the successful lawsuit.

In court papers filed Tuesday, the schools outlined the evidence behind their latest claim:

- Scores of school districts are facing budget shortfalls this fall, but cannot even raise local property taxes to avoid program cuts, because they're at or near maximum budget levels allowed by the state.
- Last year, one-sixth of Montana schools could not meet minimum accreditation standards, because of funding shortages.
- Per-pupil support by the state, adjusted for inflation, is still below the level provided in 1991.
- Montana still ranks 46th among the 50 states in average teacher salaries, which "continues to cause problems with recruitment and retention (of teachers), particularly among smaller school districts throughout the state."

The schools also say that while the Legislature passed a law defining a "free, quality" system of

public schools, it has not complied with Sherlock's order to create a funding formula based on covering the cost of that system. Instead, the state again has relied on large portions of "one-time only" funding that cannot meet the "constitutional obligations to implement a long-term, self-executing and stable funding system," the schools said in court papers.

Cotton said schools still hold out hope that the issue could be settled without legal proceedings.

However, neither the governor's office nor legislative leaders has indicated they want to address the matter before budget cuts would occur this fall, he said.

"We've made it very clear that we (still) want to sit down and talk with all of the stakeholders," he said.

Coalition goes back to court over school funding

By AMY BETH HANSON
Associated Press Writer

HELENA - The Montana Quality Education Coalition filed a lawsuit Tuesday seeking additional state funding for the 2008-09 school year, saying schools face budget cuts and potential layoffs.

In the lawsuit, the coalition claims the state has not determined the costs of providing a "quality" public education nor established a funding formula based on those costs. Both were required under a 2004 ruling in which District Judge Jeffrey Sherlock declared the state's school funding system unconstitutional, which led to funding increases in recent years.

"They just don't provide for the long-term relief that we need," said Tom Cotton, coalition chairman and superintendent of elementary schools in Deer Lodge.

Schools received an 8 percent funding increase for the 2007-08 school year, but much of that was one-time spending earmarked for things like building maintenance and establishing all-day kindergarten.

Lawmakers have allocated a 1.9 percent budget increase for the next school year. Coalition officials said that is less than the projected 4.1 percent rate of inflation.

In December, a legislative report said more than 170 school districts faced budget cuts and potential layoffs under current funding levels and many were unable to supplement their budgets with local levies.

Cotton said it became clear that returning to court was the only solution when lawmakers refused to call a special session to address school funding and Gov. Brian Schweitzer told schools not to expect any more large funding increases. Schweitzer also said he would not raise taxes to increase school funding.

"We've funded schools at historic levels and will continue our commitment to K-12 education," Schweitzer said Tuesday. "We'll also continue to work with school districts to improve their efficiency."

Schools have argued that their boards have made all the cuts and consolidations they could while state funding remained mostly stagnant in the 14 years before Schweitzer became governor in 2004.

House Speaker Scott Sales, R-Bozeman, said the state is spending twice as much money on education, in inflation-adjusted dollars, as it did in the 1970s.

"At some point you have to say no," he said. "I think we're heading for an economic downturn that could be quite severe. I don't think now's the time to be increasing

anybody's budgets."

Senate President Mike Cooney, D-Helena, said he thinks the court will find "the state is making substantial and significant progress" regarding school funding. "We've been trying to correct a problem that was very large ... and we can't do it all in a short period of time."

Cotton said the coalition has put together a committee to develop a remedy for school funding and has asked the governor's office and lawmakers to participate.

"The coalition is more than willing, and we would welcome an opportunity to resolve this outside the legal arena," Cotton said. "We just have to sit down and find a long-term, adequate funding solution for the schools of the state."

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Billings Gazette

Montana Governor comments on education lawsuit



Reporting from KTVQ in Billings

Schools Districts across Montana are asking for more money and Governor Brian Schweitzer says the state will continue to invest in education, but there are obstacles.

The Montana Quality Education Coalition filed a lawsuit, Tuesday, for additional state funding for the 2008-2009 school year.

The M.Q.E.C. claims the state has yet to determine the cost of providing a quality education for students as well as a funding plan based on the costs.

During a visit Wednesday to Senior High in Billings, Governor Schweitzer said the number of students in Montana schools is impacting state funding.

"The problem that we are faced with right now is declining enrollment," said Schweitzer.

School District 2 Superintendent Jack Copps said, "It's either try to secure some resources from the state or it is in fact begin to dismantle some programs and we are really reluctant to do that especially since we started to stabilize a little bit."

The Governor is calling on administrators to show how they've allocated current school funding...so he can go to the legislature with the details on how current funds are being used for better education.

(From February 5, 2008)

The Montana Quality Education Coalition is demanding the state of Montana provide additional aid to public schools.

Tuesday the coalition petitioned District Judge Jeffrey Sherlock, in Helena, asking him to force the state to provide more money for the 2008-2009 school year.

School districts in the coalition account for 70 percent of the state's schoolchildren.

The group spearheaded a lawsuit in 2004 that led to a court decision, declaring school funding inadequate.

MQEC Chairman, Tom Cotton says the group was hoping to solve the impending shortfalls through legislative means, but that didn't happen.

-Jami Bond reporting from KTVQ in Billings

Bozeman Daily Chronicle – February 13, 2008

School chairman charges governor is deceiving public

By **GAIL SCHONTZLER** Chronicle Staff Writer

Bozeman's School Board chairman, facing a \$762,000 budget shortage and the prospect of cutting school programs or staff, has accused Montana's governor of "deceiving people" about state school funding.

School Board trustees agreed Monday to try to mobilize the public to urge the governor and legislators to call a special session and provide more money to Montana schools. They plan a public forum Feb. 26 to let the community know that the schools might face real and "draconian" cuts.

Chairman Carson Taylor charged that Gov. Brian Schweitzer uses charts to show state funding has grown, but isn't telling the public that much of the growth has been one-time-only money or restricted to uses like building maintenance, and so can't pay ongoing bills.

Taylor said the School Board might have to cut from the \$600,000 high school athletics budget, eliminate some college-level Advanced Placement classes, and end elementary multi-age classes.

Schweitzer has responded to school leaders' pleas, and to renewal of a school funding lawsuit, by saying that since 2005 the state has boosted ongoing support for school districts by 27 percent or \$148 million. It also has given schools another \$79 million in one-time-only money during his four-year term.

However, Bozeman Superintendent Kirk Miller and other Montana school administrators contend that the 1.9 percent state increase for the next school year will fall far short of inflation, which exceeds 4 percent for school expenses.

Miller said yes, Bozeman schools have received more state money. It was spent on hiring more staff for a growing number of young students, raising salaries to keep up with Bozeman's cost of living, and adding several full-time kindergarten classes. But it hasn't been enough to make up for 14 years of shortages.

"This is not grousing by school people," Miller said. "We've made-do a long time. What we're looking at is fourth-generation scarcity. We can't 'suck it up.' "

Bozeman High School saw enrollment dip by 12 students this year, and faces an estimated \$517,686 or 3.9 percent shortfall in next school year's budget.

Bozeman's elementary and middle schools are in better shape because enrollment grew this year by 82 students. But those schools still face a \$244,388

or 1.2 percent shortfall next year, said Steve Johnson, assistant superintendent for business.

The good news Monday was that the total shortfall is about \$300,000 smaller than Johnson predicted in October. Johnson said Bozeman High can save on maintenance on buildings that will be under construction. And more full-time kindergarten classes can be added to boost state funding.

Still, Johnson said, the size of the deficit is “more significant than we’ve had in years.”

Trustee Bruce Grubbs said half of school budgets comes from the state and half from local taxpayers, so when the state increases funding by about 24 percent, that means only a 12 percent increase in total school spending.

Taylor said Bozeman schools gave teachers raises of around 5 percent this year, something the governor supports.

“We’re keeping our part of the bargain and he’s not keeping his. In fact, he’s deceiving people,” Taylor said. “The governor has not been willing to meet with the education community for a couple of years. He’s not been willing to talk. (He gives) two sentences and walks out.

“I don’t enjoy being the bad guy and saying nasty things about the governor,” he said. “Someone has to do it.”

Parent Dan Griffing said Montana and its taxpayers might be facing an economic downturn, so school leaders should “be more realistic” and figure out how to live with the money they have.

Taylor responded that when the state is sitting on close to a \$1 billion surplus, “it seems silly to be cutting now.”

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