

Longmont Daily Times-Call

Aug. 11, 2006

Think tank attacks 2 proposals

SVVSD already complies with ballot-bound measures

By John Fryar

DENVER — The St. Vrain Valley School District might not have to shift its current spending practices if Colorado voters adopt either or both of competing state ballot questions, a Denver think tank reported Thursday.

St. Vrain is one of 12 Colorado school districts whose 2004–05 operating budget already complies with the proposed Amendment 39, the Republican-backed constitutional amendment that would mandate that all 178 districts spend at least 65 percent of their operating funds on “classroom instruction,” according to the Bell Policy Center.

St. Vrain is one of 175 districts whose 2004–05 budgets complied with a more flexible mandate being proposed by Referendum J. That Democrat-backed measure, which would amend state law, would require districts to spend at least 65 percent of their operating funds on classroom and non-classroom services “that directly affect student achievement.”

Bell Policy analysts told reporters Thursday that the Center is urging voters to reject both proposals.

“These proposals are simplistic gimmicks,” said senior analyst Frank Waterous. He added that “there’s no solid evidence” that either would improve student achievement on standardized tests.

“What we found, quite frankly, is that the facts don’t support the concept,” Waterous said.

Waterous said a fall 2005 report from Standard and Poor’s found that 19 of the Colorado school districts that spent less than 65 percent of their 2002–03 operating funds on classroom instruction also showed math and reading proficiency above the 90 percent level in their 2003–04 Colorado Student Assessment Program scores.

The study also analyzed six Colorado school districts that spent at least 65 percent of their budgets on instruction in 2002–03, and found that half showed above-state-average student proficiency levels in 2003–04 and half had below-state-average levels.

Waterous said research shows no correlation between set spending percentages and student achievement test results.

“Based on the evidence, both Amendment 39 and Referendum J are ill-conceived, ill-advised and unsupported education-policy measures,” Waterous said.

Rep. Joe Stengel, R-Littleton, Stengel, however, called the Standard and Poor’s study “flawed.”

“Why aren’t we spending 65 cents of every dollar in the classroom? That’s where the rubber meets the road,” Stengel said Thursday in an interview. “Our teachers are some of the lowest-paid professionals in the country. I want more money to be spent in the classroom and on our children.”

Stengel spearheaded First Class Education Colorado’s effort to petition Amendment 39 onto the ballot. It’s part of a Washington, D.C.-based organization’s effort to enact spending requirements in all states.

Referendum J was referred to the ballot by the Legislature through a bill from Rep. Mike Merrifield, D-Manitou Springs, and Sen. Sue Windels, D-Arvada. Merrifield, the sponsor of Referendum J, could not be reached for comment.

Waterous acknowledged Thursday that he did not know the legal implications if voters approved both measures in November.

Rival school measures

How they differ

- Amendment 39 would revise the state Constitution to require school districts to spend at least 65 percent of their operating budgets on specific items relating to “classroom instruction.” That includes teachers, classroom aides and tutors; libraries and librarians; books and other instructional materials; classroom computers; and field trips, athletics, arts and music.
- Referendum J would revise state statutes to require school districts to spend at least 65 percent of their annual operating funds on items that “directly affect student achievement.”
- Referendum J would permit the 65 percent goal to include the expenses of principals; support staff such as guidance counselors, bus drivers and food service workers; and such support services as teacher training, student testing, college placement, student health, food services and transportation.

How they’re alike

- Neither would allow districts to include such expenses for superintendents and school boards, building maintenance and repair, and central administrative functions like payroll, accounting and budgeting services in the 65 percent amount.

- Both would require any district that doesn't meet the 65 percent threshold to increase mandated spending by 2 percentage points annually until the threshold is met.
- Both measures would allow a school district to seek a one-year waiver. Referendum J would additionally allow local voters to exempt their district from the mandate.

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http://www.rockymountainnews.com/drmn/elections/article/0,2808,DRMN_24736_4909334,00.html

Rocky Mountain News
Aug. 11, 2006

Think tank pans school spending amendment

By Berny Morson

The Bell Policy Center voiced opposition Thursday to a proposed state constitutional amendment requiring school districts to spend 65 percent of their money on classroom instruction.

Amendment 39 would force spending shifts in 166 of the state's 178 school districts, according to the liberal think tank in Denver. The amendment, which is backed mostly by Republicans, including Gov. Bill Owens, is intended to cut administrative overhead in schools, forcing more money into the classroom.

The amendment is sponsored by the group First Class Education Colorado.

Michele Austin, the group's treasurer, said research shows a "strong correlation" between test scores and classroom spending. The research was based on tests conducted by the National Assessment of Educational Progress, not the Colorado achievement tests.

But Bell senior policy analyst Frank Watrous said some of Colorado's most successful school districts, as measured by achievement tests, spend less than 65 percent of their revenue on direct classroom instruction.

Watrous also took issue with what would count as an instructional expenditure under Amendment 39.

Included as instructional costs would be both traditional teachers and teachers

of the handicapped, as well as tutors, aides, librarians, books, computers and classroom supplies.

Also included would be the cost of field trips, music, art and athletics.

But administrators down to the principal level would be excluded, as would nurses, counselors, psychologists, social workers and speech therapists. The cost of teacher training is not included.

Watrous said the excluded items play a strong role in education. For example, principals are links to families and communities, and they play a leadership role in schools, he wrote in a white paper released Thursday.

Alternatively, the amendment allows the governor to grant waivers, allowing more than 35 percent of the budget to be spent outside direct instruction, Austin said.

The Bell center is also opposing Referendum J, a measure put on the ballot by the legislature in an effort to head off Amendment 39. Referendum J requires districts to spend 65 percent of their funds on instruction, but includes most of the expenditures rejected under Amendment 39.

http://www.rockymountainnews.com/drmn/elections/article/0,2808,DRMN_24736_4912417,00.html

Rocky Mountain News

Aug. 12, 2006

School funds backers bypass disclosure law Initiative's foes say organizers hiding out-of-state money

By Berny Morson

Proponents of a state constitutional amendment on public school funding say they do not have to comply with Colorado's campaign disclosure law.

First Class Education Colorado has submitted campaign finance disclosure forms to the Colorado secretary of state with zeros on the lines for contributions, expenditures and fund balances.

First Class backs Amendment 39, a proposal requiring school districts to spend at least 65 percent of their revenue on direct instruction, as opposed to administration.

The group gathered more than 67,000 signatures to put the amendment on the Nov. 7 ballot, a process that entails the cost of printing and circulating petitions. "We have spent money," said Michele Austin, the group's treasurer. But the transactions were through a national non-profit organization that supports similar legislation in other states, she said.

"They're not reportable to the IRS or the secretary of state," Austin said of contributions and expenditures made through the national group.

Austin said the group has raised "well over \$100,000 in Colorado, which is being matched by the national organization."

Tim Mooney, a spokesman for the national group, also called First Class Education, said his organization is incorporated in Delaware. It operates under a section 501c4 of the IRS code, meaning it is a non-profit organization, but contributions to it aren't tax deductible because it takes part in political campaigns.

Mooney said Friday that he would address the legality of not disclosing finances to the secretary of state after consulting with Austin. But he didn't call back or return messages left later in the day.

The secretary of state's office does not decide whether filings meet the law, officials said.

That decision would be made by an administrative law judge, who would enter the case only if a member of the public files a complaint, said deputy director of elections Wayne Munster.

The group opposing Amendment 39, Coloradans for Excellent Schools, hasn't decided whether to file a complaint with the secretary of state, said spokesman Bill Ray. The group could opt to concentrate on its campaign against Amendment 39, Ray said.

Pete Maysmith, who was instrumental as director of Colorado Common Cause in shaping Colorado's campaign finance laws through two ballot initiatives, said First Class Colorado's actions are illegal.

"I can't imagine a bigger poke in the eye to the voters in Colorado than to say, 'We're going to spend secret, out-of-state money to influence an election in your state,' " said Maysmith, who now works with national Common Cause. "You talk about disregard for the voters – I think that's the height of arrogance."

Colorado attorneys of both parties who specialize in election law said it's unlikely a group can avoid state disclosure requirements by running its finances through a national group.

Mark Gueskin, a Democrat with Republican and Democratic clients, said either the national group has to register with the Colorado secretary of state and file a disclosure form, or the Colorado subsidiary must disclose expenditures on its behalf by the national group.

"Clearly there was a concerted effort between an out-of-state entity and an entity in Colorado to put this thing on the ballot, and to presumably win in November," Gueskin said. "That hand-in-hand activity is something that needs to be reported, whether reported by the out-of-state entity or the in-state entity."

Similar opinions were voiced by former Republican State Rep. Rob Fairbank and David Fine, the attorney for the Colorado Democratic Party.

"My reading of the statute would lead me to believe that they need to disclose," Fairbank said, although "there may very well be something I'm overlooking."

Fine said, "It's clearly an effort to keep the source of their contributions from the public. There's no other reason to do it."

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