



# Sherlock

Judge Jeffery Sherlock's recent decision in Columbia Falls School Districts, MEA-MFT, et al. v. the State of Montana is a very big deal.

If you can stand to listen to the nearly hysterical, court bashing rant of anti-tax, anti-spend Republican legislative leaders such as Representative Joe Balyeat and Senator Fred Thomas, you can hear for yourself just how big a deal Judge Sherlock's decision is.

For, in truth, even though Sherlock did not put a dollar figure on how badly the legislature has underfunded schools over the last decade, he clearly embraced the Everest of evidence plaintiffs presented at trial that the state legislature has failed to fund public education on any sort of rational, educationally relevant basis. Since 1995, Republican dominated legislatures have failed their constitutional duty to fund the state's share of a "basic system of quality public elementary and secondary schools."

Oh, let Sherlock's critics scream. But note, the state will likely not appeal his decision, because in fact the state cannot mount a viable defense. The constitution means what it says. Guilty as charged. The legislature's failure is self-evident.

## Just the facts

Sherlock piled one fact upon another, for example: the growing number of school districts budgeting at or near maximum authority, the growing number of school districts unable to comply with Montana's school accreditation standards, the chronic difficulty school districts have recruiting and retaining classroom teachers, the increasing competition for general fund dollars between special and regular education, the near absence of dollars to promote Indian Education for All, dramatic increases in local property taxes to back fill serious reductions in state funding, and so the mound of evidence grows.

If not appealed, as it should not be, the Sherlock decision frames the coming political debate. If not appealed, as it should not be, politicians seeking our support and our votes will not be able to defer their proposed remedies until after the Montana Supreme Court rules. They

must say where they are now.

And we will be listening, listening for the following remedies in one form or another:

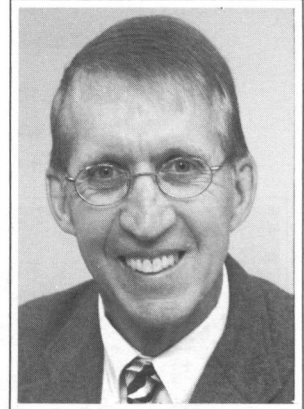
- A state-subsidized school employee health care pool.
- Elimination of the inexplicable difference between the level of state funding of elementary and high school students.
- A graduated basic or per school district entitlement that recognizes the huge difference between Flaxville and Billings.
- State-funded incentives for school district annexation or consolidation.
- Elimination of statutory barriers to voluntary school district mergers.
- Significant increases in state funding of Indian Education for All and gifted and talented education.
- State funding assistance for full-day kindergarten.
- Legislative commitment to bring significant pressure on Montana's congressional delegation to actually vote for promised yet unrealized federal funding of congressionally mandated programs such as IDEA and the notorious No Child Left Behind.

## This is our moment

We will not be listening to those who will say that schools mismanage money, that class size doesn't matter, that anybody can teach whether certified or not, that the board of public education has exceeded its authority in the adoption of certain school accreditation standards, that a basic system is 3 Rs plus band, that quality is in the eye of the beholder, or maybe "quality" should just be amended out of our constitution. No, they can scheme (as they will) and screech in vain.

This is our moment. We helped bring the Sherlock decision to pass. Sherlock has delivered. As always, it is our duty as well as our opportunity to push ever harder for adequate state funding of quality public schools for all God's children.

Come the next two election days, vote for those candidates who believe in and work to comply with our constitution. ■



BY ERIC FEAVER  
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