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FROM THE COEUR D'ALENE PRESS

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FROM THE SPOKESMAN-REVIEW

**Judge hears school funding suit**

Attorney for Idaho Supreme Court challenges federal court's jurisdiction

Betsy Z. Russell

Staff writer

May 2, 2008

BOISE – Idaho's highest court can't declare the state's school funding system unconstitutional and then let it continue that way, the attorney for a group of school districts told a federal judge Thursday.

"How can anybody look at this record and say we have had due process?" asked attorney Robert Huntley.

But Merlyn Clark, attorney for five Idaho Supreme Court justices whom Huntley and the districts are suing, say the answer shouldn't come from the federal judge.

"The federal court doesn't have jurisdiction to direct the Supreme Court of Idaho in how it should decide the case and how it should conduct its business," Clark said.

U.S. District Judge B. Lynn Winmill took the arguments under advisement, but he called the case "a head-scratcher."

"I think if you were to run this by 100 law professors ... 95 would say there's no way in the world you can enjoin a state court," the judge said. But five would say you can, and "they may be right."

Idaho historically has left the full cost of school construction to local property taxpayers, who must vote by a two-thirds supermajority to raise their own taxes to build or replace a school.

The school districts, along with a group of students and parents, first sued the state over the funding system 18 years ago. The case went to the Idaho Supreme Court five times; the state lost every time, but continued appealing. Finally, in 2005, the high court declared the funding system unconstitutional, because it forced children in poor districts to attend school in unsafe buildings.

"The current funding system is simply not sufficient to carry out the Legislature's duty under the constitution," Justice Linda Copple Trout wrote for the court.

After that, both sides expected the courts to begin a "remedy" phase and examine whether legislative changes have fixed the system or more changes were needed. But the Supreme Court simply declared the case closed.

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Delays in the case over the years, in addition to the appeals, included an unsuccessful move by the Legislature in 2003 to cancel the lawsuit by passing a law to turn the tables and make the school districts into defendants, charging they should fix school building problems without state help. That law was declared unconstitutional in state district court and by the Idaho Supreme Court.

Clark filed a motion seeking either dismissal of the federal case or to be allowed to appeal it midstream to the 9th Circuit U.S. Court of Appeals, challenging the U.S. District Court's jurisdiction.

Huntley, who's asking for a declaration that failure by the Idaho Supreme Court to finish the case violates the plaintiffs' constitutional rights, said that's just another delaying tactic – the whole case can be appealed to the 9th Circuit after Winmill rules.

The judge said: "I think you'll be on your way to the 9th Circuit in short order, after I take a stab at it."

#### FROM THE MOSCOW PULLMAN DAILY NEWS (PASSWORD REQUIRED)

#### **UI: Chinese students want to put focus back on Olympics**

By Hadley Rush, Daily News staff writer

WuYu Wu doesn't think politics and sports should ever collide.

The University of Idaho junior and member of the UI Chinese Student and Scholar Association wants to get her point across in light of recent violence that's occurred as Beijing prepares for the 2008 Olympics in August.

"We are the host this year and we just want to make it as peaceful as possible," Wu said of her native country. "The whole idea is for us to have this event because we believe this game is the game for everyone in the world."

Earlier this month, as the Olympic torch was in international transit, two North Korean defectors living in South Korea protested by pouring paint thinner on themselves and attempting to set themselves on fire.

In other cities, the Olympics have sparked violent protests against the oppression many believe is occurring in Tibet. Demonstrators lined the streets of Paris earlier this month yelling "Free Tibet," and attempted to extinguish the Olympic torch as it passed by.

Sisi Yan, a UI graduate student and CSSA member from China, said the Olympics have provided a political soapbox for those who want to make their point, and she doesn't think it's right.

"I don't feel good about it," said Yan, 22. "They want to achieve their (point) during the Olympics. This should be a peaceful event. It's just sports."

Yan said despite the political animosity and varying viewpoints that have caused some to protest the event, she wants people to know her Chinese pride is unwavering, and many other Chinese people have a heightened sense of patriotism.

"As a Chinese I'm supportive," Yan said. Despite the problems that have occurred in the running of the torch, she thinks the Olympics will help her country.

"I think it's going to be really good for our economics and let more people know about China," Yan said. "The true China has some bad and some good. But it's improving."

Dianhan Zheng, a UI graduate student studying psychology and CSSA member, said she thinks the Beijing Olympics got off to a rough start because people focused on the wrong things.

"Some people always focus on the problems," Zheng said.

"Maybe these people think it's just the right time for them to do something so they aim for the Olympic games. But we don't want that to happen."

Zheng said she also feels that the media often don't report the whole story, especially when it comes to politics.

"We just feel we are sometimes in the center of the media," Zheng said. "They will not report the positive aspect. If you go to China you will see that people are leading a better life than they were. I think most (Chinese people) are quite satisfied."

Wu agreed, saying that if more people actually experienced China firsthand, they would have a better understanding of the situation.

"Because I'm Chinese ... I want to make the most of the Chinese," she said. "We are so proud of our country, and (we want to) introduce our country to all the people around this world."

Wu said although the initial violence worried her "a little bit," she thinks the worst is over.

"I think we'll deal with that," Wu said. "After the torch (incident) I think the government will try to protect" the people.

Wu said it's important to remember what the Olympics are all about.

"This is the games of the international people. Not a game of politic issues," she said. "I'm so proud of China, that we got this opportunity to be the host of the Olympic games."

Hadley Rush can be reached at (208) 882-5561, ext. 239, or by e-mail at hrush@dnews.com.

FROM THE LEWISTON TRIBUNE (PASSWORD REQUIRED)

**No new education news stories today**

FROM THE IDAHO-PRESS TRIBUNE, NAMPA

**Federal Judge: 'Head scratcher' of a lawsuit between schools and Idaho Supreme Court likely to go to appeals**

By REBECCA BOONE  
Associated Press Writer

BOISE, Idaho (AP) -- U.S. District Judge B. Lynn Winmill is reconsidering his ruling in a lawsuit between Idaho's public schools and the state's highest court but said Thursday that whatever he decides will probably end up before the 9th U.S. Circuit Court of Appeals.

The school districts sued the Idaho Supreme Court in June to demand a remedy phase in a case the districts won two years earlier. That's when the high court upheld a lower court ruling in favor of a 1990 lawsuit filed by the districts that contended Idaho's school financing system was unconstitutionally underfunded.

Since then, the school funding system has remained largely unchanged by lawmakers. The lawsuit contends that the justices have done nothing to ensure that the 2005 ruling was obeyed, essentially violating the districts' due process rights.

In February, Winmill refused a state Supreme Court request to dismiss the case but agreed to reconsider at the justices' request.

"They (the justices) just decided to make a rule here, 'We're not going to deal with this issue,'" Huntley told Winmill in court. "If you don't get a right to a remedy, you don't get a right to any trial that's meaningful."

No matter how he rules, Winmill said, there will likely be an appeal. He did not say when he expected to issue his decision.

The school districts may be able to get to a remedy phase by filing another lawsuit in state court over the Legislature's failure to comply with the 2005 ruling, the federal judge said.

Huntley, 76, who has been fighting the case for nearly two decades, said the districts should not have to that route after spending \$300,000 on the legal wrangle, not to mention the time spent fighting in court.

"2003, 2004, 2005, 2006, 2007, 2008 - none of those Legislatures have done anything about it," he said.

Merlyn Clark, a lawyer for the Supreme Court justices, said Winmill lacks jurisdiction to order the state's highest court to hold a remedy phase.

"What the Idaho court did here is not so unusual. Other courts have done the same thing," Clark said. "This court does not have the jurisdiction to direct ... that supreme court in how it's going to rule, how it's going to do its business."

It doesn't matter how the school districts try to frame the argument, whether as a violation of due process or as something else, because the test of jurisdiction will never be met, Clark asserted.

"Whether it's a one-step dance or a two-step dance or a three-step tango, we can't do indirectly what we're not allowed to do directly," he said.

Winmill said there is existing case law too the contrary.

"It is a head scratcher," Winmill said. "I think if you were to run this by 100 law professors, there may be 95 that say there is no way in the world you can enjoin a state court - but there may be five that may be right."

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#### FROM THE IDAHO STATESMAN

#### **District judge calls school funding suit 'a head-scratcher'**

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Betsy Z. Russell - The Spokesman-Review, Spokane, Wash.

Edition Date: 05/02/08

Idaho's highest court can't declare the state's school funding system unconstitutional and then let it continue that way, the attorney for a group of school districts told a federal judge Thursday. "How can anybody look at this record and say we have had due process?" asked attorney Robert Huntley.

But Merlyn Clark, attorney for five Idaho Supreme Court justices whom Huntley and the districts are suing, say the answer shouldn't come from the federal judge.

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## FROM THE TWIN FALLS TIMES-NEWS

### **A growing school**

Southern Idaho Learning Center applies to become a charter school

By Andrea Jackson

Staff writer

Seven-year-old Kendra Fowler has gained more than just academic help at the Southern Idaho Learning Center in Twin Falls.

She's also grown in confidence.

"This girl is smarter than everybody in our class," said Fowler about another student in her first-grade class at Sawtooth Elementary School.

Lifting her hands high above her head, Fowler said she thought her peer was impressive. "I thought she was this big."

But now, Fowler said she's feeling better about her abilities. "I'm this big now," she said. "I feel I'm getting bigger and bigger by the minute."

That transformation coincides with the time Fowler's spent at the Southern Idaho Learning Center, where about 500 youth between the ages of 7 and 21 attended one-hour classes, two times per week, for 10-week sessions this year .

It's a center that's growing, and potentially changing.

Center officials recently applied with the Idaho Public Charter School Commission to become a charter school that would serve kids in grades 6 through 8. The proposed school wouldn't exceed 180 students and it would have a mission to educate Magic Valley kids with learning disabilities, said Melody Lenkner, the center's director.

The commission could decide by this summer to give life to the proposed school that would open in the fall of 2009.

The Twin Falls School District decided not to act as the charter agent, said Lenkner. But the state recently provided a \$50,000 grant to help with expenses associated with applying.

Curriculum would revolve around "experimental instruction," which means education would involve hands-on learning, Lenkner said.

The center serves kids throughout the Magic Valley, with most referrals coming from parents and pediatricians, she said.

About 20 percent of the center's funding comes from service fees, which are determined and paid based on a family's income - with a minimum cost of \$50 per session. Another 4 percent of the center's funding comes from the Scottish Rite Masons, along with donations and grants, Lenkner said.

The center is also a supplemental service provider. Under the federal No Child Left Behind Act, if a school needs improvement for consistently not making Adequate Yearly Progress, then parents can choose to send their child to a different school or get extra help for them through a private service provider, and the school district foots the bill.

About seven students from the two junior high schools in the Twin Falls School District are taking advantage of that option, Lenkner said. "We can serve more kids at less expense to us."

The Center provides assessments to kids to help families understand learning problems and how to get help.

Fowler gets help at the center with her reading - something she said she now likes to do.

"I never get bored here," she said. "I used to not like to read. I felt reading was hard and I couldn't do it. Instead, I'd play and watch TV."

### **Long-standing T.F. school board member resigns**

Vera Redman announces she will step down June 30

By Andrea Jackson

Staff writer

After 16 years of sitting on the Twin Falls School Board, Vera Redman has announced she's stepping down June 30.

Redman, who represents Zone 3 for the northwest part of Twin Falls, said it's time to pass on the torch.

"I'm at a different time in my life and I think it's just time for me to step off," said Redman, who has served as chairperson and vice-chairperson of the five-member school board at different

times throughout her tenure. "I think trying to serve out the rest of the term would be very difficult."

Redman has served one year of her current three-year term, she said.

A school board election is set for May 20 with two residents who have announced their candidacies, and that presents a good opportunity for her departure, Redman said.

"Two people could learn the ropes together," she said. "It makes logical sense."

School board member Rob Atkins from Zone 5 in southeast Twin Falls has announced he won't seek re-election, and school board member Kenney Young is seeking re-election uncontested on May 20 for his Zone 2 seat in southwest Twin Falls.

Someone will be appointed to Redman's seat on or before July 28 to take over her term, at least until a May 2009 school board election, according to a press release from the school district.

Superintendent Wiley Dobbs was positive about Redman's announcement. "She has earned tremendous respect and admiration locally and across the state as a caring, effective school board trustee," Dobbs said. "I will deeply miss working with her."

Redman said there are many highlights from her time on the school board, from watching children - including her own - graduate to witnessing the number of students and facilities burgeon in the school district. "When I first came on board we were building Roper," Redman said. "It's like *deja vu* building Canyon Ridge."

Being on the school board has been rewarding, Redman said. "We all bring our own opinions and views, and respect each other in that process ... That's important."

Applications for Redman's seat can be obtained from and returned to the Twin Falls School District Office by 5 p.m. on June 6.

The school board will determine Redman's successor before July 28, according to the news release.

Redman said she's unsure if she is allowed to partake in that selection process.

Andrea Jackson can be reached at 735-3380 or [Andrea.Jackson@lee.net](mailto:Andrea.Jackson@lee.net)

## **\$16.4M Filer school bond vote today**

Staff report

Filer residents will vote today on a proposed \$16.4 million school bond issue, which would fund a new intermediate school for fourth- through sixth-grade, add classes at the high school, and fund maintenance projects at other schools in the district.

If a supermajority of voters, or 66.6 percent, support the school bond then property taxes are expected to grow by 86 cents per \$1,000 of assessed property value. For a \$100,000 residential home taxes would increase \$43 annually, or \$95 annually on a \$200,000 residence, after homeowner's exemptions are factored, according to a campaign flier.

The district would also like to use school bond revenue to make roof repairs at Filer Elementary School and Hollister Elementary School, as well as relocate the football field to the high school - and upgrade the concessions building, restrooms, 800-seat bleachers with lighting and team rooms.

To vote, Filer residents must have resided in the school district for at least 30 days, be at least 18 and be a U.S. citizen. Voters can also register at the polls, said Kermit Leir, Filer School District business manager and clerk.

Make your vote count

Voting will be from 11 a.m. to 8 p.m. today at Filer High School, Filer Middle School, Filer Elementary School and Hollister Elementary School.

## **Wendell School Board rethinks middle school uniform policy**

By Blair Koch  
Correspondent  
Call it a flip-flop.

After an April 23 meeting of the Wendell School Board it looked as if Wendell Middle School students would be required by fall to wear uniforms, after trustees unanimously voted in favor of creating a uniform policy at the school. While a dress code wasn't approved, district officials were looking at creating uniforms with khaki pants and polo-style shirts.

After Wednesday's special meeting, however, the board decided to table its previous vote in order to gather more community input.

Resident Julie Lund, who sat on a committee created earlier this year to explore a uniform policy, was disappointed with the trustees' back-peddling on the policy.

"I am very disappointed with their decision," Lund said. "I thought the past meetings we've had were very well attended and the majority of those in attendance were all for (uniforms). I don't see this as punishment but as a positive way for kids to focus on their education, not on what they are wearing."

The idea of issuing a uniform policy has been floating around for months, said Middle School Principal Luke Kelsey. A survey was presented at the beginning of the school year, with 68 percent of those responding stating they were in favor of uniforms.

A survey was also given to middle school faculty, with about 80 percent of the staff voting in favor of creating a policy. A survey presented to middle school students came back with 51 percent of students saying they were in favor of uniforms.

Uniforms are considered as a way to alleviate immodest dress, vandalism at the school and a way to close the socio-economic gap between students, officials say. "I'm doing this because I want to help the school in a number of ways," Kelsey said.

The school has 32 documented dress code violations this year, with many more going unreported, Kelsey said. He said he believes dress code violations may be related to gang-like behavior.

Most parents at Wednesday's meeting voiced concerns with the policy, such as its cost and feasibility, enforcement concerns and students' loss of expressing their individualism. Some in attendance questioned why the current dress code wasn't being enforced.

"We all acknowledge that we need a dress policy, but let's look at this as a community working together trying to find a solution, not a quick fix," said resident Delilah Slade. "We have laws that protect us and we have law enforcement that makes sure the laws are being enforced. Maybe we need to enforce what we have."

The school board will review more community input before making a final decision. Its next meeting is May 13.

Blair Koch may be reached at 208-316-2607 or [blairkoch@gmail.com](mailto:blairkoch@gmail.com).

## **Judge reconsiders ruling in schools v. Idaho Supreme Court**

By REBECCA BOONE

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Since then, the school funding system has remained largely unchanged by lawmakers. The lawsuit contends that the justices have done nothing to ensure that the 2005 ruling was obeyed, essentially violating the districts' due process rights.

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"They (the justices) just decided to make a rule here, 'We're not going to deal with this issue,'" Huntley told Winmill in court. "If you don't get a right to a remedy, you don't get a right to any trial that's meaningful."

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A service of the Associated Press(AP)

## **State has no business funding pre-kindergarten (Commentary)**

By Darrel Deide

Recently the Idaho Legislature has been criticized in some newspapers for its failure to support pre-K education for Idaho's children.

Those critics have cited research supporting such programs and led readers to believe that the state will save money in various ways if a pre-K program is funded. They say by adding pre-K we will see lower costs associated with special education and repeated grades, and that we will see fewer pregnancies, fewer arrests and increased high school graduation rates and college entrance rates. They frequently cite research supporting their "cause" and that the majority of Idahoans support pre-K and that a majority of states do as well.

While it is appropriate to relate a host of social ills, as cited above, to the failure of many students being able to read at grade level and/or to have early primary school success, it is just wrong to suggest that the cause is due to a lack of a pre-K program.

What the supporters of full-day kindergarten or of pre-K programs aren't sharing is the most recent research on the subject. Nor do they share about the costs of a 14th grade of schooling, or about the schools that already are very successful in closing the readiness gap in our current K-12 system, or about what policy makers should be considering without institutionalizing our 4-year-olds. Few deny that there is a readiness "gap" among entering kindergarten students.

Few deny that the basic causes are due to parents' income and/or a lack of parent involvement. Few also deny that a readiness gap will always exist, regardless of when we start our kids in school.

But we know that there are many primary school programs (grades K-three) that close that readiness gap now, and without a pre-K program. If some of our schools are successful in this regard, all can be! We need to fix the present system, giving all schools the opportunity to succeed with kids in 13 years; not add a 14th grade to an under-performing system and the associated costs of facilities and personnel to do so.

Recent studies conclude that highly regulated universal preschool programs for families in Georgia, Oklahoma and New Jersey have provided no long-lasting learning benefit to children, and that institutional preschool and full-day kindergarten will not help most children and may actually suppress their normal social and emotional development.

The education of our children is the most important function of state and local government! Our children can learn well in the 13 years that we now fund, as shown by the schools out there doing it every day. A preschool program, or a 14th grade, will simply give the false hope that education has somehow become better - creating a smokescreen to mask the problems that need to be fixed.

Let's stay focused on improving and maximizing what we have and creating an educational atmosphere that supports teachers and parents who are getting the job done now. And instead of

criticizing our legislators, let's support those who resist the addition of another "layer" and all of the associated costs to our taxpayers for this latest "fad" of the educational establishment.

Darrel Deide is a retired educator and former superintendent of the Caldwell School District and currently chairman of Idahoans for Choice in Education. A Republican, he represented Canyon County in the Idaho Senate

FROM THE IDAHO STATE JOURNAL (PASSWORD REQUIRED)

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FROM THE IDAHO FALLS POST REGISTER (PASSWORD REQUIRED)

**Judge reconsiders school ruling**

The lawsuit says lack of action violated the districts' due process rights

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