



# Colorado State Senator Mike Johnston

Civic Caucus, 8301 Creekside Circle #920, Bloomington, MN 55437

*August 26, 2011*

**Present:** Verne C. Johnson, chair; Janis Clay, Paul Gilje, Sallie Kemper, Dan Loritz, Wayne Popham (phone), and Clarence Shallbetter

**A. Welcome and introductions** . Verne and Paul welcomed and introduced **State Sen. Mike Johnston**, Colorado, participating today via conference call. Johnston represents northeast Denver in the Colorado State Senate and serves as a policy advisor to New Leaders for New Schools. Johnston first entered education as a Teach for America high school English teacher in Greenville, Miss., an experience that led him to write his acclaimed book, "In the Deep Heart's Core." Later he co-founded New Leaders for New Schools, a national non-profit that recruits and trains urban principals. Most recently, Johnston was co-founder and principal of Mapleton Expeditionary School of the Arts, a redesigned urban high school that made Colorado history by becoming the first public high school in which 100 percent of seniors were admitted to four-year colleges.\*

Johnston has been an adjunct professor of education law at the University of Denver. Recently named to *Time Magazine's* "40 Under 40" and *Forbes Magazine's* list of the "7 Most Powerful Educators," he holds degrees from Yale College, the Harvard Graduate School of Education, and the Yale Law School.

Johnston was invited today to discuss several education changes over the past 10 years in an effort to improve learning and close the achievement gap between minority and majority students.

**B. Summary of the meeting**— Johnston explained Colorado's practice of measuring growth in a school's own performance from year to year, instead of the school's absolute standing relative to all other schools. He highlighted Colorado laws that allow innovative schools to break free from state and district regulations, that remove permanent teacher tenure, and that prohibit use of teacher seniority as the determining factor in layoffs or in assignment to schools.

**C. Comments and discussion** . During Johnston's comments and in discussion with the Civic Caucus the following points were made:

**1. Measure each student's growth from year to year, not just a school's absolute standing in performance** . Johnson first outlined what he called the Colorado growth model, which measures how much a school improves in terms of the growth of individual students' achievement from year to year. This kind of measurement better illustrates performance than comparing schools' aggregate proficiency with respect to standards. If one school has achieved 70 percent proficiency and another,

30 percent, such data do not serve to indicate how much growth in proficiency each school has achieved in a year. But measuring growth from year to year gives a clearer picture of how much each school has "added value", that is, how much improvement in individual learning has been achieved.

Federal guidelines on testing make no mention of measuring growth, he said. The approach was unique when first started by Colorado but some 15 states since have followed the Colorado model. See: <http://bit.ly/nG5B4X> .

Later in the meeting Johnston clarified that Colorado schools continue to measure raw performance against standards in key areas like reading and math.

**2. Provide a strong framework on school choice** . Colorado's strong school chartering law was first enacted in 1993 and has been strengthened since. The National Alliance for Public Charter Schools rank's Colorado's fourth among 40 state laws. Charter schools are relatively easy to open in the state and there is no cap on the number of charters allowed. Both the state and school districts may act as charter sponsors. See: <http://bit.ly/oekFQz> .

**3. Allow innovation at the local school level** . In its 2007 Innovation Schools law, Colorado allows individual schools to seek waivers from district-wide policies, bargaining unit agreements and state laws for the purpose of student achievement. Upon petition from 60 percent of teachers in a school, the school is released from school district regulations and granted full authority to manage itself with a correspondingly high level of accountability. See: <http://bit.ly/dpHFT4> . According to the Colorado Department of Education, 21 schools, of which 18 are part of the Denver Public Schools, have been approved for participation under this law.

Denver's Bruce Randolph School was the first school to receive approval to operate autonomously. See: <http://bit.ly/pP3XGT> . This past year Bruce Randolph School joined a small group of schools in Colorado where 100 percent of their high school graduates enrolled in four-year colleges, Johnston said.

**4. Retain great teachers and principals** . Authored by Johnston and enacted in 2010, the Great Teachers and Leaders law is aimed at improving the state's ability to recruit, train, and reward great teaching and school management talent. (See: <http://bit.ly/pPFH2x> ) This legislation has several significant provisions that:

**a. Require an annual evaluation of teachers and principals, at least 50 percent of which evaluation must be based on student academic growth** . Student growth will be based on a series of tools, taking into account diverse student needs and special education status.

**b. Provide more career opportunities for exceptional teachers.** Gifted teachers will be encouraged to move into the role of Master/Mentor Teacher, taking on additional responsibility to mentor new or under-performing teachers.

**c. Remove permanent tenure (called "non-probationary status" in Colorado).** The law fundamentally changes the concept of teacher tenure. In the past, once earned, tenure was permanent. Now a teacher can earn tenure only after three consecutive annual performance ratings at or above the "effective" level. However, teachers must continue to perform to keep their tenured

status. A teacher can lose tenure based on two consecutive "ineffective" ratings. Once tenure is denied or lost, it can be earned again after three years of consecutive "effective" ratings. A teacher losing tenure doesn't necessarily lose a job. That decision is up to the local district. The law applies to all Colorado teachers; no one is grandfathered in to the old tenure scheme. Responding to a question, Johnston said that the question of early retirement was not addressed in the law.

(Tenure originally was established at the post-secondary level to assure academic freedom for professors, a Civic Caucus participant noted. Tenure was not originally intended for conventional or universal job protection for an entire labor force. However, tenure did become a K-12 mainstay after unionization in large part due to arbitrary firing practices that abused a largely powerless teaching profession.)

**d. Eliminate last-hired-first-fired policy** . The law allows school districts to keep the most effective teachers, eliminating the common practice of "last-hired-first-fired" lay-offs. Lay-offs are now based first on teachers' relative growth performance, with tenure used only as a tiebreaker. The law supersedes local bargaining agreements. Johnston highlighted an egregious example of a last-hired-first-fired calamity in another state where an outstanding, national award-winning teacher had to be dismissed because of the rigid adherence to that policy.

**e. Eliminate automatic assignment to schools based on seniority** . Superseding any local bargaining contracts to the contrary, the law no longer allows teachers the right to claim seniority and select the school where they want to teach. Moreover, principals won't be assigned a list from which they must select teachers, irrespective of their interest or competence in a given position.

**5. Traditional salary schedules retained for now.** The law doesn't require changes in the way teacher salaries have been traditionally determined-district-controlled and usually based on length of service and college credits beyond the bachelor's degree. However, Johnston singled out Mike Miles, superintendent, Harrison School District No. 2, Colorado Springs, who led in establishing a new salary schedule for his district based on bands of performance, without guaranteed increases.

**6. Leadership by the Governor is important** . The impetus for passage of the Great Teachers and Leaders act came initially from a host of grass roots organizations, representing a variety of ethnic, business, labor, and community groups, Johnston said. The Governor became a major proponent once the grass roots tide of support became apparent. An unexpected positive endorsement by the state Commissioner of Education in an op-ed article in a daily newspaper was a key factor. Another was a full-page newspaper ad listing all the supporting organizations.

The Colorado Federation of Teachers supported the bill, but the Colorado Education Association was opposed. A Civic Caucus participant noted that in Minnesota the two teacher organizations have merged and that some observers wonder if such mergers might have the effect of reducing the likelihood of passage of major school change legislation.

**7. Severe constraints persist on raising revenue** . The changes in education were largely revenue-neutral, Johnston said. Colorado has severe restrictions on the power of localities to raise revenue. In the past 65 percent of local operating revenue was raised locally. Now 65 percent comes from the state, he said. A participant inquired of Johnston about a pending federal lawsuit challenging Colorado's school-funding approach. Johnston replied that in light of state restrictions on raising

revenue it's doubtful the suit will be successful. He agrees, however, that Colorado needs to improve its school finance system.

**8. Other issues considered.** Responding to questions Johnston commented that:

1. Improvements in early childhood education were not among the recent major changes and remain an area for further work.
1. Colorado, along with other states, faces major challenges in providing "alternative" education for especially difficult populations, such as youth in detention facilities.
1. He is unaware of a 2011 state law in Oregon that establishes a board over all public education in the state from pre-kindergarten through post-graduate and does not see that as a near term issue in Colorado.

**9. Other states cited for school improvement .** When asked to cite other communities with notable innovation in education, Johnston singled out Louisiana, with its new "Recovery School" structure enacted since just before Hurricane Katrina, and Washington, D.C. where former Superintendent Michelle Rhee made major changes, as examples of places where significant improvement is occurring.

**10. Bipartisan support in Colorado seen as serving the public interest .** Asked for closing thoughts, Johnston said that education might be one of the few areas left where it's really possible to gain bipartisan support, which was essential to the passage of the Great Teachers and Leaders law. Johnston added that major improvements in schools can succeed provided the proposals reflect not merely a squabble among private interests but rather are seen as benefiting the public interest. In Colorado that difference was most apparent when people saw the full-page ad listing all the diverse organizations that were supporting the proposal.

**11. Thanks.** On behalf of the Civic Caucus, Verne thanked Johnston for meeting with us today to share his account of Colorado's recent successful innovations in the field of education.