



## Education and Local Government Interim Committee

### 60th Montana Legislature

#### SENATE MEMBERS

KIM GILLAN  
BOB HAWKS  
SAM KITZENBERG  
RICK LAIBLE  
DAVE LEWIS  
JIM PETERSON

#### HOUSE MEMBERS

GARY BRANAE  
WANDA GRINDE  
ROBIN HAMILTON  
BOB LAKE  
BILL NOONEY  
JOHN WARD

#### COMMITTEE STAFF

CASEY BARRS, Lead Staff  
LEANNE HEISEL, Research Analyst  
JEREMY GERSOVITZ, Staff Attorney  
FONG HOM, Secretary  
ALAN PEURA, Fiscal Analyst

# MINUTES

## K-12 SUBCOMMITTEE

June 12, 2008

Room 137, Capitol Building  
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

#### **COMMITTEE MEMBERS PRESENT**

SEN. DAVE LEWIS  
REP. WANDA GRINDE  
REP. JOHN WARD

DR. KIRK MILLER  
PATTY MYERS  
LINDA MCCULLOCH

#### **COMMITTEE MEMBERS EXCUSED**

SEN. SAM KITZENBERG  
JAN LOMBARDI

#### **STAFF PRESENT**

CASEY BARRS, Lead Staff  
LEANNE HEISEL, Research Analyst  
JEREMY GERSOVITZ, Staff Attorney  
FONG HOM, Secretary  
ALAN PEURA, Fiscal Analyst

#### **Visitors**

Visitors' list, Attachment #1.

### **CALL TO ORDER AND ROLL CALL**

00:00:07 Rep. Ward, Acting Chair, called the meeting to order at 10:32 a.m. The committee secretary noted the roll. Sen. Kitzenberg and Ms. Lombardi were excused.

Rep. Ward said we have from the Legislative Fiscal Division some information from the Board of Public Education on amendments to the Standards of Accreditation, which the committee does not yet have.

Ms. Myers moved to adopt the minutes of the March 13 meeting. The minutes were approved by acclamation.

### **AGENDA**

#### **Montana Quality Education Coalition (MQEC) Lawsuit Update**

00:03:57 Casey Barrs, Research Analyst, LSD, said that with the passing of Eddy McClure in May, a new attorney, Jeremy Gersovitz, was hired as staff attorney for Education and Local Government Interim Committee.

Mr. Barrs gave an update on the court filings. Judge Sherlock refused the state's request of May 5th and explained his ruling in the court's Order (**Exhibit 1**). Mr. Barrs said that Judge Sherlock placed the burden, of showing that the funding formula has not changed as ordered by the Supreme Court squarely on the shoulders of the Plaintiffs. To that end, a hearing has been scheduled for September 22 through September 26, 2008. Mr. Barrs talked about the court's Scheduling Order (**Exhibit 2**).

00:08:34 **Jim Standaert, Fiscal Analyst, LFD**, said that the legal staff in the Attorney General's Office responded to the Montana Quality Education Coalition's interrogatories: 1) Does the state contend that the Legislature has determined the cost of providing a basic system of free quality public elementary and secondary schools as defined in section 20-9-309, MCA? Have you defined what the costs of that system are; and 2) Does the current formula reflect those costs? Mr. Standaert said that the Attorney General answered yes to those interrogatories, but did not have the supporting documentation.

Mr. Standaert discussed the document "Impact of Legislative and Executive Actions on K-12 State Costs and Maximum Budget" (**Exhibit 3**) that shows the impact of what the Legislature has done since 2005.

#### **Questions**

00:15:56 Dr. Kirk Miller asked what the adjustment for inflation over a 4-year period would look like in terms of new dollars available. Mr. Standaert said that the third item shows that they have adjusted at least the entitlements for inflation.

00:22:11 Sen. Lewis asked if there has ever been a situation where the end result would be that the court could instruct the state to raise taxes to fund education? Mr. Standaert said that he does not know of any instance in which that happened in another state. They have come close on the spending side saying in some states that they must raise their spending by x amount of dollars and if that turns into a tax increase, so be it.

**Oregon's Statewide K12 Health Insurance Program, Oregon Educators Benefit Board (OEBB) - Tom Bilodeau, Director of Research and Bargaining, MEA/MFT**

00:23:52 Mr. Bilodeau talked about the Oregon Education Benefits Board and their statewide K12 Health Care Program (**Exhibit 4**).

**Facilities inventory update - Joe Triem, Planning Manager, Architecture and Engineering Division, Department of Administration**

01:00:53 Mr. Triem said that they are in the middle of reviewing the draft Facilities Inventory with their Executive Summary and data. They are aiming for July 1 for the report to be done and available.

He discussed the sections of the summary.

- **Background** covers the process, who was involved, the legal authority and requirement to do this study.
- **Facility Condition** describes common conditions or deficiencies such as percentage of schools with single pane windows; percentage of schools needing something to be corrected.
- **Building inventory** that shows components of each school.
- **Energy usage** that represents what they have collected in the way of energy data on schools.
- **Technology infrastructure.**
- **Summary.**

Mr. Triem said that their goal is to have hard copies of the executive summary and the huge collection of data on a CD that will be available through a direct request to his division. They are also working with the consultant to develop an online website that allows schools to get information as opposed to wading through collected data on 2,000 school buildings.

Questions

01:10:47 Superintendent McCulloch asked if the executive summary will be available online. Mr. Triem said it would be. They have not decided where the interactive website will reside but when they decide, that will be distributed.

Ms. Myers said that her concern is safety in the schools. Did Mr. Triem address safety in schools? Mr. Triem said that to the extent that it was applicable to a facility deficiency, yes. If there is a deficiency related to immediate health and safety, it was documented. Most conditions at schools do not represent immediate or life safety issues because they would have been taken care of when the team talked to the staff. When it comes to things that may be related to, for examples, elevators, that is a different subject that is incorporated in a certain way in the report. But there are certain things that are a code requirement and there are certain things that are not. They tried to put the data at a different section where it shows up as a deficiency if it is current code violation. If it is grandfathered into code, it is not a requirement, and unless it is renovation, they put it into a different category.

#### **Public Comment**

01:16:59 **Carol Plymale, Retired Teacher, Townsend Schools**, distributed documents (**Exhibit 5**) to support her request to move the entrance date for entering school from September 10 to May 1.

01:24:29 **Susan McGrath, Bozeman**, provided written testimony (**Exhibit 6**) on K-12 school funding.

#### **Adjournment**

01:37:11 With no other business before the committee, Rep. Ward adjourned the meeting at 12:09 p.m.

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