



Education and Local Government Interim Committee

63rd Montana Legislature

SENATE MEMBERS

TOM FACEY--Chair
DAVE LEWIS
FREDERICK (ERIC) MOORE
MATTHEW ROSENDALE
SHARON STEWART-PEREGOY
JONATHAN WINDY BOY

HOUSE MEMBERS

DONALD JONES--Vice Chair
KRISTIN HANSEN
EDITH (EDIE) MCCLAFFERTY
JEAN PRICE
DANIEL SALOMON
TOM WOODS

COMMITTEE STAFF

PAD MCCRACKEN, Lead Staff
LAURA SANKEY, Staff Attorney
DAWN FIELD, Secretary

MINUTES LOG

September 23, 2013 - Day 1
Room 137, State Capitol
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

SEN. TOM FACEY, Chair
REP. DONALD JONES, Vice Chair
SEN. DAVE LEWIS
SEN. MATTHEW ROSENDALE
REP. KRISTIN HANSEN
REP. EDITH (EDIE) MCCLAFFERTY
REP. JEAN PRICE
REP. DANIEL SALOMON

COMMITTEE MEMBERS EXCUSED

SEN. FREDERICK (ERIC) MOORE
SEN. SHARON STEWART-PEREGOY
SEN. JONATHAN WINDY BOY
REP. TOM WOODS

STAFF PRESENT

PAD MCCRACKEN, Lead Staff
LAURA SANKEY, Staff Attorney
DAWN FIELD, Secretary

AGENDA & VISITORS' LIST

Agenda, [Attachment #1](#).
Visitors' list, [Attachment #2](#).

COMMITTEE ACTION

The Education and Local Government Interim Committee did not take official action on any agenda item at this meeting.

CALL TO ORDER AND ROLL CALL

00:00:32 SEN. FACEY called the Education and Local Government Interim Committee (ELG) meeting to order at 10:09 a.m. The secretary called roll, REP. WOODS, SEN. MOORE, SEN. STEWART-PEREGOY, and SEN. WINDY BOY were excused ([Attachment 3](#)). SEN. FACEY reviewed the meeting agenda.

ADMINISTRATIVE RULE REVIEW

00:02:27 **Laura Sankey, Staff Attorney, Legislative Services Division (LSD)**, reported that there has been no administrative rulemaking activity since the June meeting. Ms. Sankey reported, regarding the discussion at the June meeting on the question of 2013 legislation extending or granting rulemaking authority, that the only bill she could find was SB 87, which eliminated the Student Loan Advisory Council. She said it may extend some authority to the Commissioner of Higher Education. She explained further.

00:03:22 SEN. FACEY asked over which agencies does the ELG has administrative rule oversight. Ms. Sankey said the ELG has oversight of the Office of Public Instruction (OPI), the Board of Public Education (BPE), and the Montana State Library.

REVIEW OF PROPOSED FINAL WORK PLAN

00:03:51 **Pad McCracken, Research Analyst, LSD**, noted that the final agenda was printed on green paper and asked the members to discard the lavender agenda mailed prior to the meeting. He pointed out a budget change notification from the Governor's Office of Budget and Program Planning (OPBB) in the meeting materials and said that statute requires notification of affected interim committees. He said that Christine Butler, Legislative Fiscal Division (LFD) was present to answer questions.

00:04:58 SEN. FACEY discussed the meeting he and Vice Chair Jones had with legislative fiscal analysts regarding HB 152 (2005) establishing a definition of a quality education in Montana. He said the ELG would discuss this issue further at the next day's meeting.

00:05:56 REP. HANSEN asked for additional information regarding the OBPP budget change notification ([EXHIBIT 1](#)). **Christina Butler, Legislative Fiscal Division (LFD)**, explained why the notification was provided to the committee.

00:07:55 Mr. McCracken reviewed the ELG Work Plan, as adopted by the committee at its June meeting ([EXHIBIT 2](#)).

00:17:53 SEN. FACEY asked Ms. Sankey to research the status of the data task force, as set up in SB 175 (2013).

00:19:25 SEN. FACEY commented on the fiscal impact of the Board of Public Education decisions and the possibility of the LSD contracting with an outside agency to do the analysis.

• **Public Comment**

00:20:43 There was no public comment.

SHARED POLICY GOALS

00:21:01 Mr. McCracken discussed the Shared Policy Goals brief prepared for ELG ([EXHIBIT 3](#)). He referred to additional documents as part of his discussion:

- Shared Policy Goals and Accountability Measures for the K-12 Public Education System 2015 Biennium ([EXHIBIT 4](#));
- Shared Policy Goals and Accountability Measures for the K-20 Public Education System 2015 Biennium ([EXHIBIT 5](#)); and
- Shared Policy Goals and Accountability Measures for the Montana University System 2015 Biennium ([EXHIBIT 6](#)).

Mr. McCracken asked if the committee wishes to act on the previous ELG's recommendation to review these goals and how much time it wishes to devote to this issue.

00:26:28 REP. HANSEN asked who negotiated the recommendations and how the recommendations were formed. SEN. FACEY said that Rep. Bob Lake was very involved.

00:27:13 **Tyler Trevor, Office of Commissioner of Higher Education (OCHE)**, said that Montana University System (MUS) goals were formed around 2002 and have been updated annually. He explained how the MUS has worked with the ELG on this process.

00:28:05 REP. HANSEN asked if the process really is a "shared" process or if it is more a matter of the MUS establishing the goals and then informing the ELG of its work. Mr. Trevor said that there was probably more sharing in the past than has occurred in past several years. He explained further how the goals have been formulated in recent years.

00:30:39 SEN. LEWIS said that a very large percentage of incoming college freshman have to take remedial math and english and said that should be of great concern to the MUS. He asked what discussions are going on there. Mr. Trevor discussed the *Complete College Montana* program which was created to address that issue. He said he could provide specific information on remediation rates if the ELG wanted them.

00:32:39 SEN. FACEY commented that measuring tools should be discussed also.

00:33:04 SEN. ROSENDALE asked if the business community has been included in creating the shared policy goals. He said that he sees a lack of support for creating high paying jobs in Montana and that the businesses who can offer those jobs should be included in the process. Mr. Trevor said that was a great point and discussed what efforts are in place to use a "shared leadership" approach of business leaders,

legislators, and the MUS. SEN. ROSENDALE thought that the two-year programs were doing better but that the four-year programs still needed work.

00:35:29 SEN. FACEY discussed what he sees as a paradigm change from "walled" education institutions to a more seamless and fluid institution.

00:36:14 **REP. HANSEN moved to postpone discussion of the K-20 and MUS shared policy goals until the next day.** She said that once the committee has all of the updates, it could discuss and make decisions at that point. SEN. FACEY agreed but said a motion was not needed. He suggested the ELG also think about how it wishes to incorporate the accountability goals. He discussed the importance of keeping accurate data and said in the realm of education, more and more data review will be required.

00:38:51 REP. HANSEN asked to review the K-12 policy goals as the K-12 presentations are made. SEN. FACEY agreed.

- **Public Comment**

00:40:03 **Madalyn Quinlan, Chief of Staff, OPI,** said that she planned to discuss the K-12 policy goals and the K-20 policy goals. She described the three-level process used in 2009-10 to adopt them: a working group, an ELG Subcommittee, and a report to the full ELG at every meeting. She said that OPI finds the shared policy goals of value and explained how they are being used to do good work in Montana schools.

- **Committee Questions**

00:45:31 SEN. FACEY asked, regarding the K-12 goal to boost student achievement in struggling schools, about the grant funding that was available in several of the districts. Ms. Quinlan discussed how a three-year federal grant from the Department of Education is being used in several districts with the lowest achievement rates in the state.

00:48:24 SEN. FACEY recessed the meeting for a short break.

BREAK

SEN. FACEY called the meeting back to order.

PROCESS FOR ADOPTION OR AMENDMENT OF ACCREDITATION STANDARDS

- **Overview of process and review of process related to Montana Common Core Standards**

01:04:41 Mr. McCracken referred the committee to K-12 School Accreditation Standards Report ([EXHIBIT 7](#)).

01:06:38 Ms. Sankey reviewed the constitutional and statutory authority of the Board of Public Education to adopt accreditation standards ([EXHIBIT 7](#), pages 1 and 2).

01:11:07 Mr. McCracken discussed the process for fiscal analysis of proposed accreditation standards used at BPE meetings ([EXHIBIT 7](#), page 3).

01:13:16 Mr. McCracken discussed two major changes to accreditation standards (Chapters 53 and 54) in the last interim and the timelines describing the process for each ([EXHIBIT 7](#), pages 4 and 5).

01:20:34 Mr. McCracken and Ms. Sankey discussed staff conclusions and analysis ([EXHIBIT 7](#), pages 5 and 6).

01:22:17 Mr. McCracken discussed the six questions that could arise in trying to adhere to 20-7-101, MCA, ([EXHIBIT 7](#), pages 5 and 6).

• **Committee Questions**

01:27:43 SEN. LEWIS noted that there has been a great deal of controversy regarding the adoption of the Common Core standards. He asked if the Legislature has the authority to overrule a BPE rule. Ms. Sankey said that the Montana Administrative Procedure Act (MAPA) does allow the legislature to repeal an existing rule through law. She explained further.

01:30:27 SEN. FACEY asked if stakeholder groups were present who wished to comment on the report.

01:31:03 **Dennis Parman, Deputy Superintendent, OPI**, made comments on the timeline of the process on pages 4 and 5 ([EXHIBIT 7](#)), which included the following: Superintendent Juneau's address to the full Legislature regarding Common Core Standards on February 11, 2011; an error in the June 13, 2012 ,meeting minutes; and ELG member attendance at BPE's September and November 2011 meetings.

01:33:47 **Pete Donovan, Executive Director, BPE**, thanked the ELG staff for their work and said he was available for questions.

• **Public Comment**

01:34:43 **Steve White, Montana Coalition of Home Educators, Bozeman**, discussed concerns regarding student assessment requirements, the rights and responsibilities of home schoolers, and concerns that the Common Core Standards will impose significant hardships on homeschooling families.

01:41:07 **Barbara Rush, retired educator, Helena**, read her statement into the record and provided additional documents as part of her statement ([EXHIBIT 8](#)). Her comments expressed her concerns about the process through which the Common Core Standards were adopted and the impacts they will have on Montana schools.

01:45:11 **Tim Ravndal, Townsend**, commented in opposition to the Common Core Standards and the difficulty he has encountered in trying to discuss his concerns with his local school board. Mr. Ravndal stated that the standards are a direct violation of the Tenth Amendment to the United States Constitution and explained further. He strongly urged the ELG to examine the standards very carefully.

01:53:44 **Mary Sheehy Moe, retired educator, Chair of Great Falls School Board**, commented regarding her personal conversations with sixteen teachers regarding the Common Core Standards.

02:00:05 **Debra Lamm** commended Ms. Sankey and Mr. McCracken on their synopsis of the process. She discussed concerns that local school boards were left out of the process and that the fiscal impact of the Common Core Standards would be much more significant than anticipated.

- 02:02:18 **Tonya Shellnut, Concerned Women for America, Billings**, said she was speaking on behalf of concerned parents who fear loss of parental control. She commented on the potential fiscal impact and how school districts will pay the great expense. She encouraged the ELG members read the Common Core Standards and fiscal impact report very carefully, in order to have a very clear idea of what the costs will be before putting the standards into play.
- 02:04:34 Ms. Shellnut distributed copies of an email given to her by a concerned parent ([EXHIBIT 9](#)) regarding concerns about the transparency of the process used in adopting the standards.
- 02:07:53 **Gina Satterfield, Helena**, read her statement into the record opposing Common Core Standards ([EXHIBIT 10](#)).
- 02:15:40 REP. MCCLAFFERTY and REP. PRICE objected to her comments, saying that the purpose of the comment period was to discuss the process and not the standards themselves. SEN. FACEY allowed Ms. Satterfield to continue.
- 02:16:09 Ms. Satterfield continued her comment and distributed a packet of additional documents related to her concerns ([EXHIBIT 11](#)).
- 02:23:24 **Kristin Miller, Billings**, commented in opposition to Common Core and submitted into the record two letters from concerned parents in Billings ([EXHIBIT 12](#)) and ([EXHIBIT 13](#)).
- 02:24:09 **Kirk Miller, School Administrators of Montana (SAM)**, discussed his involvement in the process of the adoption of the Common Core standards, the rights of the BPE in setting educational standards for the state, his confidence that any problems that may arise in their implementation can be solved by working together, and his belief that the standards will provide Montana students their best chance of being prepared for secondary education success. Mr. Miller provided copies of “*An Essential Truths Issue Spotlight Prepared by the Montana Public Education Center*” handout ([EXHIBIT 14](#)).
- 02:31:39 Mr. Miller reviewed the implementation of the Common Core Standards in the Bozeman School District. He agreed that more resources are needed to implement the standards but said that, overall, he is pleased with the progress made to date.
- 02:40:52 Dennis Parman, OPI, suggested, due to the amount of controversial testimony given about Common Core, that the ELG carefully read the standards and then discuss them thoroughly. He responded at length to several of the previous public comments made about Common Core.
- 02:53:37 **Marco Ferro, Director of Public Policy, MEA-MFT**, said that the number one goal, as a teacher union, is to include educator input in any change of educational goals or standards. He assured the committee that Montana teachers were very involved in the Common Core process and that prior to their adoption by BPE, the standards were vetted by many teachers. He discussed how the MEA-MFT’s plans to support educators through the implementation of the standards.

- 02:55:48 **Bob Vogel, Montana School Boards Association, MTSB**, said that he has heard from many members of the MTSB who are getting many questions and concerns from parents. He said that while school boards want the best for the students in their districts, the issues surrounding the costs of implementation remain of great concern to local school boards.
- 02:58:24 **Jon Rush, Helena**, commented that the conversation seems to have drifted away from one of the main concerns, which is the cost of implementing the Common Core Standards. He discussed the fiscal analysis completed by the Legislative Fiscal Division and said that certain questions have been left unanswered. He explained further his questions and concerns about implementation costs.
- 03:04:45 SEN. FACEY said that the committee would discuss how to address the questions posed by staff (page 6, [EXHIBIT 7](#)) in the afternoon portion of the meeting and to consider Mr. Parman's suggestion.
- **Committee Questions**
- 03:05:29 REP. HANSEN asked Mr. Vogel about the origin of the document provided by Mr. Miller ([EXHIBIT 14](#)). Mr. Vogel said it was collaborative effort and that the organizations listed at the top of the document all contributed to it.
- 03:06:47 REP. HANSEN referred to page 3, item 6(b), of the document ([EXHIBIT 14](#)) and read it aloud. She referred to Section 33 of SB 175 (*reading aloud*) and said the funding language in the Mr. Miller's document appeared to contradict the funding language in SB 175. Mr. Vogel said the \$34 million is specifically for technology and that his understanding was that there would need to be additional resources for the implementation costs.
- 03:10:20 REP. HANSEN stated, for the record, that she disagreed with Mr. Vogel's assessment. REP. HANSEN and Mr. Vogel continued their discussion of the funding issue.
- 03:11:48 REP. HANSEN discussed the small amount of variance allowed in Common Core Standards and asked how the BPE accommodated Montana's Indian Education For All requirements. Mr. Donovan said that states are allowed to put in up to 15% of their own content and that the BPE exercised that authority in order to incorporate Montana's Indian Education For All requirements.
- 03:14:21 Mr. Parman discussed the memorandum of agreement signed by the Governor Schweitzer and Superintendent Juneau and Common Core. He said the MOA was nonbinding and was an effort to try to stay true to the intent of the standards.
- 03:16:21 SEN. ROSENDALE asked Ms. Lamm to comment on states that started implementation of the standards but later decided to rescind Common Core Standards. Ms. Lamm said that was true. She listed a number of states that either never adopted standards, adopted standards but paused implementation, or adopted standards and have withdrawn them or are in the process of withdrawing. She said she would get a complete list to SEN. ROSENDALE during a break.

03:18:37 SEN. ROSENDALE asked Mr. Miller to further discuss exactly who asked the Bozeman School District to review the Common Core Standards. Mr. Miller said that the Bozeman School Board made that request and that the review data was provided OPI.

03:20:19 REP. HANSEN asked about the testing cost of \$27 per student under Common Core. Ms. Quinlan said OPI would provide information on the different assessment costs but that she didn't have specific information with her. REP. HANSEN asked if a projected statewide cost could be included. Ms. Quinlan noted that Montana received a federal assessment grant to help with testing costs. SEN. FACEY said he would like to know how those costs compared to the cost of the current tests given in Montana. Ms. Quinlan said she would include that information also.

03:23:45 SEN. FACEY recessed the meeting for lunch at 1:30 p.m.

LUNCH

04:23:09 SEN. FACEY called the meeting back to order at 2:30 p.m

Office of Public Instruction

• **Update on high school equivalency testing and related programs**

(As background information, Mr. McCracken prepared a brief: "GED, HiSet, and High School Equivalency Diplomas" (EXHIBIT 15), which was mailed out in advance of the meeting.)

04:23:39 **Margaret Bowles, Head of Adult Education, OPI**, discussed the adoption of the HiSET high school equivalency test and why the change was made from the GED test to the HiSET test. Ms. Bowles provided informational materials on HiSET (EXHIBIT 16).

04:37:24 **Tom Blakely, Principal, Missoula Sentinel High School**, discussed the HiSET Options Program for credit deficient students.

• **Committee Questions**

04:42:40 REP. SALOMON asked how the program would deal with students are just a credit or two short their senior year. Mr. Blakely said that student would qualify for the credit recovery program through the Montana Digital Academy and that the HiSET Options program handles only students who are severely credit deficient.

04:43:52 REP. SALOMON asked if a student would find it easier to simply take the HiSET or Digital Academy and not take classes they don't want to. Mr. Blakely said it would not be and explained further.

04:45:05 SEN. ROSENDALE asked if it was correct that the GED test will not be available at all in Montana. Ms. Bowles said that as of January 1, 2014, only the HiSET test will be available. SEN. ROSENDALE asked if the more rigorous standards of the HiSET are tied to the Common Core Standards. Ms. Bowles said she believed it would be.

04:46:10 SEN. FACEY asked about the legality of a Montana student taking out-of-state high school equivalency tests. Ms. Bowles said it would depend residency requirements in each state and that Montana does have residency requirement.

04:46:35 REP. HANSEN discussed her concerns about the definition of "graduation" in Montana and referenced confusion and disagreements in recent years as to what exactly it means. She asked if that definition could be pinned down in order to ensure that everyone is talking about the same thing. Mr. Parman agreed that there has been disagreements and confusion. He discussed a number of factors that have contributed to the disagreement and confusion.

04:51:38 REP. HANSEN asked if OPI could provide a "cheat sheet" of the various terms so that everyone can "speak the same language". Mr. Parman said he would so so.

- **Update on ESEA reauthorization and implications for Montana**

04:53:27 Dennis Parman, Deputy Superintendent, OPI, updated the ELG on the Elementary and Secondary Education Act (ESEA) reauthorization and renewal. Mr. Parman, as part of his presentation, discussed highlights from a chart from the *Education Week* ([EXHIBIT 17](#)) relating to the ESEA.

05:03:03 REP. HANSEN asked how many federal educational programs affect states. Mr. Parman estimated the number to be between 65 and 70. REP. HANSEN asked if schools have to keep track of all of those programs. Mr. Parman said no, that schools have the option of participating, depending on the student population. He said that poverty, for example, is a big factor on what federal programs will be in a school.

05:04:52 REP. HANSEN discussed her opinion that state employees do much better job of administering state money for state programs than does the federal government. Ms. Quinlan discussed the distinction between state and federal programs and how the duties and responsibilities differ.

05:09:22 SEN. ROSENDALE asked about the use and impact of federal money in the state's education programs and if any type of analysis has ever been done to determine what amount of funding would be needed if states were allowed to spend funding exactly as they wished, rather than following federal mandates and requirements. Ms. Quinlan agreed that there are strings attached to federal money and explained the efforts to use an integrated data system to coordinate between state and federal reporting requirements and allocation needs. She said that OPI is fairly selective about the federal money it pursues and when it does use federal dollars, it is usually because it is trying to meet a policy goal or a legislative directive.

- **Update on K-12 Data Task Force**

05:14:55 Madalyn Quinlan, Chief of Staff, OPI, updated the ELG on the K-12 Data Task Force, as created in SB 175, including the status of the task force application and appointment process.

05:19:58 Ms. Quinlan thanked the Legislature for the appropriations made in the 2013 Legislature and reviewed the status of several projects approved in 2013.

- **Public Comment**

05:21:45 Steve White, Coalition of Home Educators, Bozeman, commented on his concerns about how the HiSET test would affect home-schooled Montana students.

- **Montana State Library's Early Literacy Program - Ready2Read**

05:24:53 **Sara Groves, Manager, Ready2Read Program**, discussed research on the value of early literacy, including the short term economic benefits and long term societal benefits. Ms. Groves submitted a folder of information relating to the State Library's efforts to launch early readers and improve literacy skills in Montana kids ([EXHIBIT 18](#)).

- **Committee Questions**

05:43:55 SEN. LEWIS asked about increase in attendance in children's program. Ms. Groves said she didn't know but would find out.

- **Public Comment**

05:44:30 **Nannette Gilbertson, Montana Library Association**, commented in support of the Montana State Library and the Ready2Read program in particular. She submitted a letter from Bozeman Public Librarian Cindy Christin ([EXHIBIT 19](#)).

PUBLIC COMMENT AND COMMITTEE DISCUSSION OF ANY ADDITIONAL/EMERGING ISSUES WITHING EGL'S JURISDICTION

05:48:52 Tonya Shellnut, Concerned Women for America, discussed concerns about student data privacy and Common Core. Ms. Shellnut referred to a Helena School District policy relating to access to student records ([EXHIBIT 20](#)).

RECESS UNTIL SEPTEMBER 24, 2014

05:57:50 SEN. FACEY recessed the meeting until 8:00 a.m. the next day.

CI0140 4087dfxa.