

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

SELECT COMMITTEE ON EDUCATION FUNDING

Call to Order: By **CHAIRMAN MONICA LINDEEN**, on January 25, 2005
at 3:20 P.M., in Room 137 Capitol.

ROLL CALL

Members Present:

Rep. Monica Lindeen, Chairman (D)
Rep. Bill E. Glaser, Vice Chairman (R)
Rep. Norma Bixby (D)
Rep. Tim Dowell (D)
Rep. Dave Gallik (D)
Rep. Verdell Jackson (R)
Rep. Bob Lake (R)
Rep. Holly Raser (D)
Rep. Jon Sonju (R)
Rep. Pat Wagman (R)

Members Excused: None.

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Kim Leighton, Committee Secretary
Chris Lohse, Legislative Branch
Eddy McClure, Legislative Branch
Jim Standaert, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: HB 314, HB 311, 1/17/2005
Executive Action:

CHAIRMAN MONICA LINDEEN brought the meeting to order and took care of general housekeeping issues.

HEARING ON HB 314

Sponsor: REP. EDWARD BUTCHER, HD 29, WINIFRED

Opening Statement By Sponsor:

REP. BUTCHER opened the discussion on this bill. He stated that the committee needs to define a basic, quality system of education. He stressed that in this discussion of finding a definition for education, the committee should rely on the word basic. He also discussed factors that affect how this definition is comprised. He asked, "What should be included in the basic education system?" He also provided written testimony to support his claim.

EXHIBIT(esh19a01)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 19.9}

Proponents' Testimony:

Elaine Herman, State Organization Montana Eagle Forum, discussed some work by Nancy Keenan, and maintaining local control of the school system. She claimed that she refers to this bill as, "Citizen Education Bill of Rights."

{Tape: 1; Side: A; Approx. Time Counter: 19.9 - 23.3}

Opponents' Testimony:

Lance Melton, Montana State Board Association(MTSBA), stated that this bill denigrates provisions of the federal law. It doesn't solve any problems.

Erik Burke, Montana Education Association-Montana Federation of Teachers(MEA-MFT), stated that this bill moves the progress backward instead of forward. It excludes the Board of Public Education(BPE) from involvement.

Madalyn Quinlan, Office of Public Instruction(OPI), insisted that this bill tears apart underlying principles in the education system.

Steve Meloy, Board of Public Education(BPE), stated he was in agreement with his fellow opponents. BPE works very hard on these bills, and Mr. Meloy does not want to see this bill minimize the efforts of BPE.

Dave Puyear, Montana Rural Education Association(MREA), ordered that there is a narrow scope of the word "basic." There are many issues at hand. He is also concerned about the references to standardized testing. He stressed the importance of administrators as well.

Jack Copps, Montana Quality Education Coalition(MQEC), referenced the Supreme Court finding, and stated that if HB 314 does pass, adequacy and equity will be constrained to reading, writing, and arithmetic.

Informational Testimony:

There were no informational witnesses.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 8.3}

Questions From The Committee:

REP. HOLLY RASER directed a question to the sponsor. She asked **REP. BUTCHER** if this bill included those children that are home-schooled.

REP. BUTCHER stated that this addresses public schools.

REP. RASER pointed out that achievement is dependent on the parents. She asked **REP. BUTCHER** where it states that this does not include home-schooling.

REP. BUTCHER stated that this bill is oriented to defining a quality system of education.

REP. RASER asked a question pertaining to the issue of teachers in small schools also acting as administrators. She asked if this is true in cases where there are only 25 students in a class.

REP. BUTCHER attested that that occurs when there is 25 or less in a grade level.

REP. RASER asks if someone could be both in these circumstances.

REP. BUTCHER articulated that it is up to each school board.

REP. PAT WAGMAN asked if there not be a limit on how many questions are asked. This is a very complicated issue.

REP. LINDEEN stated that that is fine.

REP. TIM DOWELL asked Lance Melton if it is true that the parents have the ultimate responsibility of the educational achievement of the children.

Mr. Melton said that is correct.

REP. DOWELL asked if it is also true that the teacher evaluation is dependent on the parent's responsibility.

Mr. Melton responded by saying, "Yes."

REP. DOWELL inquired about the statement that all students must perform higher than average.

Mr. Melton agreed to this.

REP. DOWELL stated that there is a contradiction on Page 2, by earlier question this cannot be accomplished.

Mr. Melton agreed that this is correct. He pointed out that the committee would need to address home-school versus public schools if this bill does pass.

REP. VERDELL JACKSON asked **REP. BUTCHER** what his thoughts are about the bill and casting out.

REP. BUTCHER stated that he did not go that far in the bill. He reiterated that defining a basic system is covering a very narrow issue.

REP. JACKSON asked **REP. BUTCHER** to expand on the idea of defining the basic. He touched on the fact that **REP. BUTCHER** stated that the school would probably teach more than basic. He asked, "Where does the responsibility of that lie?"

REP. BUTCHER stated that this bill simply defines the basic. He claimed he would hope parents would push school systems to teach more than basic.

REP. JACKSON thanked **REP. BUTCHER** for his presentation.

REP. DAVE GALLIK approached **REP. BUTCHER** that if we don't follow the court rulings and the constitution, it could cause a lot of trouble. He asked, "Why would we pass this bill that could cause so much trouble?"

REP. BUTCHER mentioned past decisions and how they pertain to this question.

REP. RASER stated that she is concerned with the language regarding children with disabilities. She asked, "Can local school boards turn away children because they cannot afford services for disabilities?"

REP. BUTCHER stated that they can in fact do this if they cannot afford to provide for students with disabilities.

REP. RASER asked if they can force a parent to take their children to another school.

REP. BUTCHER stated that "force" is a strong word. He attested that parents would probably want to do what is best for their children.

REP. RASER asked Madalyn Quinlan about funding that goes along with this, and if there would be additional funding.

Ms. Quinlan attested that funding is in Section 7 and Section 8. She then discussed it a little further.

REP. RASER asked if there is chance of an increased amount.

Ms. Quinlan stated that funds are a little bigger for special needs kids, and referred to Page 15, Line 26.

REP. RASER expressed concern about providing needs for special needs and how this affects those children without special needs.

REP. BUTCHER stated that life isn't fair. He added that most parents wouldn't want to keep a child at a school that is unable to provide for them. It is hard to accommodate everyone.

REP. RASER also expressed concern with the language in this bill regarding services with disabilities. She asked, "How would the sponsor coordinate the language in this bill?"

REP. BUTCHER asserted that a group would have to sit down and really examine the language, and make the necessary changes. He did however attest that the services for these children are being provided.

REP. RASER affirmed that that is something that needs to be addressed. It is up to the parent to decide on their child's education.

REP. BUTCHER stated that this is correct to a point.

REP. BOB LAKE asked Mr. Melton if MTSBA has the power to grant a school board more local control.

Mr. Melton discussed the process in which this occurs.

REP. LAKE asked Mr. Melton about the quality of education. He inquired if in fact the smaller schools should be required to provide services as well as the larger schools.

Mr. Melton discussed this by referring to Helena Elementary v. The State.

REP. LAKE spoke of the word "basic" in this bill. He stated that he does not understand Mr. Melton's strong opposition to this.

Mr. Melton believed that REP. LAKE was possibly misreading the constitution.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 12.4}

Closing Statement By Sponsor:

REP. BUTCHER stated that he believed the issues were aired that needed to be. There are several issues within the education system. He believed that he targeted the specific issues that need attention

{Tape: 2; Side: A; Approx. Time Counter: 12.4 - 18.6}

5 Minute Recess

{Tape: 2; Side: A; Approx. Time Counter: 18.6 - 19.1}

HEARING ON HB 311

Sponsor: **REP. WILLIAM GLASER, HD 44, HUNTLEY**

Opening Statement By Sponsor:

REP. GLASER introduced HB 311 by speaking of the words in the definition. The committee needs to define quality as it pertains to schools. There is the need to define the state's share, and implement it. Children need to find joy in learning. He also stated that it is not wise for the legislature to try and micro-manage the school system. REP. GLASER also provided a document to signify two amendments that he is proposing.

EXHIBIT(esh19a02)

{Tape: 2; Side: B; Approx. Time Counter: 0 - 1.4}

Proponents' Testimony:

Lance Melton, MTSBA, claimed that this bill is intended to heighten the output of students' achievement. Home atmosphere is the most important factor, and next is the quality of the education system being offered. He encouraged the House of Representatives and the Senate to work together. He also provided written testimony to support HB 311.

[EXHIBIT\(esh19a03\)](#)

Dave Puyear, MREA, emphasized the importance of the role of the BPE in this process.

Rodney Svee, Superintendent of Billings Public Schools, provided two statements to support HB 311. He discussed the documents he provided, and stated specifics of the bill.

[EXHIBIT\(esh19a04\)](#)

[EXHIBIT\(esh19a05\)](#)

{Tape: 2; Side: B; Approx. Time Counter: 1.4 - 24.8}

Opponents' Testimony:

Elaine Herman, State Organization Montana Eagle Forum, stated that it is important to emphasize local control. This would not allow parents to mandate what their children learn. It undermines local control.

Madalyn Quinlan, OPI, stood in opposition representing Linda McCulloch, State Superintendent. She stated that there needs to be more measurable performance measures in place.

Erik Burke, MEA-MFT, stated that they don't disagree with what REP. GLASER is doing, but rather the words in this bill are outdated and no longer relevant. They need to be more specific and direct.

Jack Copps, MQEC, agrees with what schools shall provide in regard to student skills. The basic system shall provide two things: high expectations, and a strong infrastructure. He supports the amendments by Lance Melton.

Charles Lawrenson, Kalispell, Montana, attested that he does not like the idea of OPI defining this. He believes in elected officials doing this job. By using OPI, it pushes people away from public schools.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 10.3}

Informational Testimony:

Steve Meloy, BPE, attested that this bill is a good step in the right direction.

{Tape: 3; Side: A; Approx. Time Counter: 10.3 - 12.1}

Questions From The Committee:

REP. JACKSON asked Erik Burke about his statement that, "The study is no longer relevant."

Mr. Burke stated that he believes there are more relevant studies that have been done.

REP. JACKSON asked if he was referring to the 1988 Study.

Mr. Burke replied that that was true.

REP. JACKSON asked about the fact that Mr. Burke said, "This definition is not meaningful."

Mr. Burke stated that it is going to be difficult using this definition.

REP. WAGMAN directed a question to the sponsor. He stated that Page VI of the 1975 Study suggests that the legislature should refrain from mandating curriculum, and asked REP. GLASER's thoughts on this.

REP. GLASER mentioned SB 152, and discussed amendments that should be in place.

REP. WAGMAN commented on Mr. Lawrenson's remarks about OPI being appointed by the Governor, and not elected by the people, and the constitutional question of who really holds the authority to make these decisions.

REP. GLASER stated that, "None of us are in charge, and we are all in charge." We need to recognize the individuality of each school.

REP. WAGMAN asked if it is possible with his amendment that we could have a battle with BPE in regard to the accreditation standards.

REP. GLASER stated that we seem to be afraid of ourselves.

REP. GALLIK wished to address the specific language of the bill. He asked how the committee should jump from REP. GLASER's definition to educationally relevant factors.

REP. GLASER mentioned that the educationally relevant factors are those things that are necessary to create and maintain quality schools. The committee also needs to take accreditation standards into account.

REP. GALLIK that he was having troubles with REP. GLASER's definition, and how to connect that to accreditation standards.

REP. GLASER stated that the bill has a lot of broad-based factors. The committee needs to look at accreditation standards to determine educationally relevant factors.

REP. GALLIK asked for clarification.

REP. GLASER directed him to the accreditation standards.

REP. GALLIK stated that he understands what this bill is intended to do. He asked, "What happens if the intended goals of this bill are not met? How do we defend our decision against this?"

REP. GLASER attested that the committee define what a quality education is, and find out how to provide for that system. He doesn't foresee a participant suing if there is a quality system in place.

REP. JACKSON desired a follow up on REP. WAGMAN's points. He asked REP. GLASER if he accepted the accreditation standards as part of this bill.

REP. GLASER stated that he did not know how to answer this.

REP. JACKSON pointed out that REP. WAGMAN had stated that the legislators have some flexibility in doing their job of mandating staff and curriculum. He asked, "So what does this leave to the local school board?"

REP. GLASER stated that the accreditation standards do have an alternative system.

REP. JACKSON spoke in terms of class sizes and local control. He felt that there is no longer the local control necessary to do this. He stated that there is a problem when kids hate school. He asked if the committee should adopt some form of detailed curriculum and accreditation standards.

REP. GLASER reiterated that the committee needs to maintain a working partnership with the BPE.

REP. WAGMAN directed a question to Mr. Melton. He asked him what he believed the educationally relevant factors are.

Mr. Melton asked REP. WAGMAN to point him to a specific area of the document.

REP. WAGMAN stated Page 2, Section 4.

Mr. Melton stated that the original was omitted, and this was not his language in the document.

REP. WAGMAN asked Mr. Melton if he would please list the educationally relevant factors.

Mr. Melton claimed that it was directed to the legislature to decide that.

REP. WAGMAN attested that he was asking Mr. Melton for help, and to please list what they are in his opinion.

Mr. Melton stated quality teachers, early childhood education especially in high risk children, and special needs education. He would need to scrutinize the bill to come up with a detailed list.

REP. WAGMAN stated that he would like a complete list.

Mr. Melton mentioned that the Augenblick & Meyer Study would probably be helpful.

REP. WAGMAN requested Mr. Svee to answer the same question.

Mr. Svee insisted that if a committee wants it, the school board will provide it. If it touches the K-12 system, it is educationally relevant.

REP. WAGMAN asked Jack Copps the same question.

Mr. Copps agreed with Superintendent Svee.

REP. WAGMAN requested the same answer from Steve Meloy.

Mr. Meloy pointed out that the accreditation standards is a good place to start.

REP. WAGMAN asked Mr. Meloy if this was a complete list.

Mr. Meloy stated that it is not a complete list.

REP. GALLIK asked the sponsor of the bill the same question.

REP. GLASER stated that the accreditation standards doesn't cover everything, it's just not possible.

Closing Statement By Sponsor:

REP. GLASER reiterated the importance of this definition. He hopes that the legislature does not decide to micro-manage.

ADJOURNMENT

Adjournment: 6:30 P.M.

REP. MONICA LINDEEN, Chairman

KIM LEIGHTON, Secretary

ML/KL

Additional Exhibits:

EXHIBIT ([esh19aad0.PDF](#))