

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **SELECT COMMITTEE ON EDUCATION**

**Call to Order:** By **CHAIRMAN MONICA LINDEEN**, on February 8, 2005  
at 3:39 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. Bob Lake (R)  
Rep. Jon Sonju (R)  
Rep. Pat Wagman (R)

**Members Excused:** None.

**Members Absent:** Rep. Verdell Jackson (R)  
Rep. Holly Raser (D)

**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:  
Executive Action: HB 63, HB 292

**CHAIRMAN MONICA LINDEEN** took care of general housekeeping issues. She introduced a document which will serve as a matrix for all of the bills.

[EXHIBIT](#)(esh31a01)

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.5}*

**Chris Lohse, Legislative Services Division**, began his presentation on educationally relevant factors. He discussed his research on possible origins of this term, and the context in which it resides. **Mr. Lohse** stated that many of the definitions come from the Brown II case. He also discussed Brown v. Board of Education, and its relevance. **Mr. Lohse** stressed how important it is to distinguish that there are very different factors in different areas. He then spoke of Arthur Wise. Mr. Wise is an educational theorist who worked on the national accreditation standards for teachers. He handed out a document that he prepared.

[EXHIBIT](#)(esh31a02)

**REP. TIM DOWELL** asked Mr. Lohse if there was information on Arthur Wise in this handout.

**Mr. Lohse** said, "Yes."

Next, **Mr. Lohse** discussed impact aid, and its relevance. He strongly emphasized that educationally relevant factors are much different from educational resources. Also, he distinguished equity lawsuits from adequacy lawsuits. He added that educationally relevant factors are linked with equity lawsuits, and educational resources are linked with adequacy lawsuits. **Mr. Lohse** mentioned an adequacy lawsuit; Williams v. California, as an example.

**REP. DAVE GALLIK** asked Mr. Lohse to expand on the distinction between equity and adequacy components. He stated that it is very important to understand this.

**Mr. Lohse** discussed the education system in Wyoming where this is relevant. Arthur Wise believed that there were two important parts in regard to educationally relevant factors: (1) characteristics of children; and (2) programmatic policy decisions made by the state.

**Eddye McClure, Legislative Services Division**, commented on the equity formula in regard to the court decision. She stated that there is a mix of adequacy and equity components and reiterated the importance of educationally relevant factors in this formula.

**REP. BOB LAKE** asked if there is a possibility of adequacy and equity coming together.

**Mr. Lohse** stated that **REP. LAKE** crystallized the issue and added that it is okay to have disparate levels, the legislature simply needs to show why they are doing it.

**REP. LAKE** asked if that would lead to another lawsuit regarding the funding question.

**Ms. McClure** attested that they just need to show how the formula is comprised, including educationally relevant factors.

**REP. GALLIK** inquired if this formula would involve educational resources such as textbooks.

**Mr. Lohse** claimed that the formula would not involve these unless they are relevant policy-making materials.

**REP. GALLIK** attested that textbooks could be both; then it just depends on the semantics.

**Mr. Lohse** stated that he believes it comes down to that. He also handed out a document.

[EXHIBIT](#)(esh31a03)

**Jim Standaert, Legislative Fiscal Division**, asked if there is any distinction of educationally relevant factors between district and state.

**Mr. Lohse** asked for clarification.

**Mr. Standaert** inquired if **Mr. Wise** stated any differences in terms of funding.

**Mr. Lohse** stated that he did not.

**{Tape: 1; Side: A; Approx. Time Counter: 2.5 - 29.8}**

(**REP. VERDELL JACKSON** entered.)

**Mr. Lohse** continued to talk about relevant cases. He spoke of *Serrano v. Priest* in 1971 and *San Antonio v. Rodriguez* in 1973. He stated that equity lawsuits were very popular between 1973 and 1980; then there was a reversal. From 1980 to 1989, 20 different equity lawsuits were lost. He also commented that the content of Exhibit 3 took place before the 1973 ruling.

**{Tape: 1; Side: B; Approx. Time Counter: 0 - 6}**

(**REP. HOLLY RASER** entered.)

**REP. GALLIK** asked Mr. Lohse where Arthur Wise lives.

**Mr. Lohse** replied that he lives in Washington, D.C.

**REP. GALLIK** inquired if Mr. Wise was aware of the situation at hand.

**Mr. Lohse** stated that he was not aware of it at the time.

**REP. GALLIK** asked if Mr. Wise would be willing to answer some questions.

**Mr. Lohse** stated that since he has not been involved recently, he does not feel comfortable speaking about it.

**REP. GALLIK** asked if Mr. Wise made any suggestions in regard to other specialists or experts that could be helpful.

**Mr. Lohse** replied that he believes he did. However, he was possibly being circumspect in his response.

**CHAIRMAN LINDEEN** posed the question as to where the committee could find possible experts.

**Mr. Lohse** commented that Mr. Standaert has been looking into that.

**Mr. Standaert** said he has a list of 14 or 15 people.

**CHAIRMAN LINDEEN** asked Mr. Standaert if these were individuals who would help legislative staffers and the legislative body.

**Mr. Standaert** claimed that some of these individuals worked for legislators and some worked for interest groups. He is currently looking into it more.

**CHAIRMAN LINDEEN** inquired into fees for these individuals.

**Mr. Standaert** stated that he had not checked into that at this point.

**VICE CHAIR BILL GLASER** attested that he read an article over the weekend that had a dozen or so individuals that could be of assistance.

**Mr. Lohse** added that he is familiar with some people in the area. He also provided some additional information on Arthur Wise, as well as another handout.

**EXHIBIT**(esh31a04)

*{Tape: 1; Side: B; Approx. Time Counter: 6 - 12.6}*

**EXECUTIVE ACTION ON HB 63**

**Motion:** REP. GALLIK moved that HB 63 DO PASS.

**Motion:** REP. GALLIK moved that Amendment 006301 BE ADOPTED.

**Discussion:**

**Ms. McClure** discussed the amendment.

**Vote:** Motion carried unanimously by voice vote.

**Discussion:**

**VICE CHAIR GLASER** stated that this is a bill for the Office of Public Instruction(OPI). He also attested that it has a very broad title.

**REP. GALLIK** touched on the issue of the school finance law, and the fact that that doesn't quite work. He commented that this committee is working to remedy this due to the court decision.

**Ms. McClure** stated that this bill has a formula in it. She stated specifics of the bill and possible problems.

**REP. GALLIK** asked if one of the things that needs to be fixed due to the lawsuit could possibly be shoved into it at a later time.

**Connie Erickson, Legislative Services Division,** stated that she drafted this bill and proceeded to explain it. She said that this is primarily a cleanup of some finance laws. She added that "sun-setting" this bill would not solve anything.

**REP. GALLIK** asked if the committee is losing an opportunity.

**VICE CHAIR GLASER** attested that this bill needs to happen. There are several broad titles within this committee.

**CHAIRMAN LINDEEN** stated, "I agree."

**Motion/Vote:** REP. GALLIK moved that HB 63 DO PASS AS AMENDED.  
Motion carried unanimously by voice vote.

*{Tape: 1; Side: B; Approx. Time Counter: 12.6 - 22.6}*

**EXECUTIVE ACTION ON HB 292**

**Motion:** REP. BIXBY moved that HB 292 DO PASS.

**Motion:** REP. BIXBY moved that AMENDMENT 029201 BE ADOPTED.

**Discussion:**

**Ms. McClure** explained the amendment.

**Vote:** Motion carried unanimously by voice vote.

**Motion:** REP. BIXBY moved that HB 292 DO PASS AS AMENDED.

**Discussion:**

**VICE CHAIR GLASER** reiterated that there would be a significant amount of money being moved around in this process. He added that the committee would have several unhappy people. He stated that he is not sure why the committee is doing this. He attested that he would not support this bill.

**REP. GALLIK** explained that although he knew where REP. SMALL-EASTMAN was coming from, he agreed with VICE CHAIR GLASER. **REP. GALLIK** does not want to get involved in a situation where there are certain districts that are big losers and others that are big winners.

**REP. BIXBY** stated that she agreed with REP. GALLIK. She does believe that the idea behind this bill is good. She posed the idea of possibly forming a trust fund for oil/gas that is similar to the trust fund that exists for coal.

**REP. LAKE** claimed that the legislature already has a balanced system; if they pass this, they will just upset everything.

**VICE CHAIR GLASER** mentioned the General Trust Balance (GTB) that is not being taken into consideration with this bill. He stressed the importance of the GTB.

**Substitute Motion/Vote:** REP. GALLIK made a substitute motion that HB 292 BE TABLED. Substitute motion carried 9-1 by voice vote with REP. DOWELL voting no.

**CHAIRMAN LINDEEN** closed with announcements including the future Joint Subcommittee on Education Funding, and stressed the

importance of this subcommittee. She mentioned that this subcommittee will meet Thursday in Room 472.

**ADJOURNMENT**

Adjournment: 4:45 P.M.

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REP. MONICA LINDEEN, Chairman

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KIM LEIGHTON, Secretary

ML/kl

Additional Exhibits:

**EXHIBIT ([esh31aad0.PDF](#))**