

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON EDUCATION

Call to Order: By **MADAM CHAIR EVE FRANKLIN**, on February 9, 2005
at 8:02 A.M., in Room 102 Capitol.

ROLL CALL

Members Present:

Rep. Eve Franklin, Chairman (D)
Sen. Don Ryan, Vice Chairman (D)
Sen. John Esp (R)
Rep. Verdell Jackson (R)
Rep. Carol C. Juneau (D)
Sen. Carol Williams (D)

Members Excused: Rep. Bill E. Glaser (R)

Members Absent: None.

Staff Present: Mark Bruno, OBPP
Mike Burke, OBPP
Amy Carlson, OBPP
Alan Peura, Legislative Branch
Jim Standaert, Legislative Branch
Diana Williams, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed. Tape counter notations refer to material immediately preceding.

Committee Business Summary:

Hearing & Date Posted: Montana University System
(MUS) Closing Remarks;
Working Group Report- Indian
Education for All Montanans

Executive Action: None

The meeting agenda was presented as Exhibit 1.

[EXHIBIT\(jeh32a01\)](#)

Alan Peura, Legislative Fiscal Division, distributed a letter from the community colleges' presidents regarding DP 78, which is the \$5 million program and equipment package that the Subcommittee adopted.

[EXHIBIT\(jeh32a02\)](#)

Montana University System - Closing Remarks

Sheila Stearns, Commissioner of Higher Education (OCHE) thanked the staff and leadership in the campuses' offices. She provided a document that listed four issues that MUS is focusing on: (1) providing quality education; (2) providing opportunity for students of any age to advance their education; (3) responsiveness to the Shared Leadership for a Stronger Montana Economy initiative; and (4) planning.

[EXHIBIT\(jeh32a03\)](#)

Issue #4, Planning

Commissioner Stearns focused on the allocation model and the problems with the current formula. A planning group may be formed to address the following:

1. How lump-sum appropriations get distributed to universities.
2. How to determine the marginal cost per student and the appropriate formula for calculations.
3. How to determine the cost of the educational model at the community colleges. The formula must be fair, up to date and include an appropriate share from the State.
4. How to determine the percentage share of present law adjustments, including the pay plan that the State is willing to support. Commissioner Stearns thought working towards an 80percent State share and 20 percent tuition funding for education would be appropriate.

Commissioner Stearns said that the Office of Commissioner of Higher Education (OCHE) has talked with the Legislative Fiscal Division to find the easiest way to proceed with finding solutions to the allocation model. OCHE is going to bring Post-Secondary Education Policy (PEPB) into this process and invited any interested legislator to join in this process.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 8.6}

Issue #1, Quality Education

Commissioner Stearns said the Board of Regents need to know the bare-minimum increases required at each educational unit, which increases are unlikely to be funded by the legislature, and which increases would make a significant difference in quality at each campus. These figures had been determined at the January board meeting.

Commissioner Stearns mentioned the Regents were cautious in approving any recommendations that were not already in line to be funded during this session because the cost of funding these programs would come out of tuition. Tuition already bears the burden of funding nearly 60 percent of the pay plan.

Commissioner Stearns said that OCHE calculated what the tuition increase would be by considering what the minimum quality increases were and MUS's share of the pay plan. On average, about an eight percent increase in tuition was calculated and this figure is not final. At the two-year units, the increase would be lower, and at other units the increase would be higher.

Commissioner Stearns stated the most important ingredient of quality education is the quality of the faculty and staff. She would like to see at least a 50/50 split in terms of sharing the cost of the pay plan. She estimated it would cost \$3.6 million more to the State if they went from a 38 percent to a 52 percent share in the pay plan.

{Tape: 1; Side: A; Approx. Time Counter: 8.6 - 13.6}

Issue #2, Access

Commissioner Stearns stated that based on the access research and a study of citizens across the State in the Shared Leadership for a Stronger Economy, one of the most important things that MUS can do is provide need-based aid. In addition, merit-based aid is also valuable within the "Best and Brightest" bill.

Commissioner Stearns said that increased funding up to the current statutory level for non-beneficiary students at the tribal colleges is a priority. This Subcommittee already approved those increases.

{Tape: 1; Side: A; Approx. Time Counter: 13.6 - 14.8}

Issue #3, Responsiveness to the State

Commissioner Stearns stated this phrase means that MUS will try and respond to what the people in the State need in terms of learning and workforce development. Providing more opportunities in distance learning and access to the various degree programs is another high priority at MUS.

Commissioner Stearns provided a personal story of the problems that students who want to become health care workers in Montana face. She also explained the challenges that MUS is facing in the health care field.

Under Workforce Development, Item 2c, the Montana Tech Development Resource Center, **Commissioner Stearns** mentioned a required match which is included in the executive budget.

Item 2d is a request that would increase the partnership that MUS has with K-12 institutions and deals specifically with No Child Left Behind (NCLB). This request is not in either executive budget.

{Tape: 1; Side: A; Approx. Time Counter: 14.8 - 21}

Numbers 3 and 4, Issue #3, are the Shared Leadership initiatives that only made it into the Martz Budget. **Commissioner Stearns** said that the important role that MUS provides to the State's economy has not just been invented. It has been integral to what MUS has been doing for many years. MUS's ability to take that idea to another level is what these initiatives are all about.

Commissioner Stearns said that MUS would appreciate the Subcommittee's consideration in adopting these decision packages. The Regents believed the items listed in the document are all important and are asking that the legislature help prioritize them.

{Tape: 1; Side: A; Approx. Time Counter: 21 - 22.5}

Commissioner Stearns responded to Indian Education For All issue by stating that none of the institutions involved have been as responsive as they should have been.

Number 6 under Responsiveness to the State, "Destination Montana Education" didn't make it into either of the Governors' Budgets. Recruiting and keeping non-resident students at 15-20 percent of the students at MUS will supplement MUS's finances.

In addition, **Commissioner Stearns** said that these students who come to Montana truly enrich all of the programs because of their diversity. These non-resident students are also economic engines for the state, but it does take recruiting funds to bring these students in. "Destination Montana Education" was figured into the quality initiative.

{Tape: 1; Side: A; Approx. Time Counter: 22.5 - 25.2}

Questions By Subcommittee

Responding to **REP. JUNEAU**, **Commissioner Stearns** said that NCLB was not emphasized during these sets of hearings because it did not make it into a decision package. This request was made primarily for the Montana State University (MSU) campuses. If it had attracted either Governor Martz or Governor Schweitzer's attention, MSU would have expanded the request and worked with campuses from across the system.

REP. JUNEAU inquired if the intention of the partnership between MUS and K-12 schools was linked to No Child Left Behind.

Commissioner Stearns said that its primary intention was pay for travel, teaching, and materials for the professional development of K-12 teachers. Distance learning in rural areas where it is a struggle to abide with NCLB was also addressed in this request.

Responding to **REP. JUNEAU's** question relating to child care at Helena College of Technology (COT), **Commissioner Stearns** did not know their construction plans. She said she would also pass along **REP. JUNEAU's** request that the designers talk with students at Helena COT regarding child care needs.

Commissioner Stearns shared that MUS has different ways of funding child care. Child care is an auxiliary, shared, or part of the student government. With the student government, activity fees are used to subsidize the child care center. The centers are not just State funded; it's usually a co-operative effort.

Commenting on **REP. JUNEAU's** mention of dual enrollment, **Commissioner Stearns** said the Board of Education formed a dual enrollment task force within a P-20 standing committee. The Board of Regents is looking at dual enrollment and its unique issues. One of the dual enrollment issues is similar to a distance learning issue. Both programs need to make sure that student credits can be transferred to the various campuses.

{Tape: 1; Side: A; Approx. Time Counter: 25.2 - 30.7}

{Tape: 1; Side: B; Approx. Time Counter: 0 - 0.9}

REP. JACKSON commented that the biggest challenge is to find efficiencies in the educational units. By using the resources in an efficient way, the marginal cost per student that MUS calculates will drop. Distance learning also has tremendous potential to cut the cost per student.

REP. JACKSON said the NCLB requirement about who can teach does not provide enough freedom to the school system and is counterproductive. The schools need to use community resources, recognized experts and school staff in addition to highly qualified teachers. He thought that the differential staffing to some of the educational programs should be looked at.

REP. JACKSON thought that another challenge is to provide teaching methods for distance learning. Another teaching method that might be looked at is to provide programs that teach students how to teach themselves. In the vo-tech industry, if the employee cannot teach themselves, there is a possibility of termination.

{Tape: 1; Side: B; Approx. Time Counter: 0.9 - 6.0}

CHAIR FRANKLIN thanked the Commissioner and said executive action for MUS will take place tomorrow at 8:15 A.M.

Indian Education for All Montanans Working Group Report

The following resources were used by the Indian Education for All Montanans' Working Group.

[EXHIBIT\(jeh32a04\)](#)

[EXHIBIT\(jeh32a05\)](#)

[EXHIBIT\(jeh32a06\)](#)

[EXHIBIT\(jeh32a07\)](#)

[EXHIBIT\(jeh32a08\)](#)

[EXHIBIT\(jeh32a09\)](#)

{Tape: 1; Side: B; Approx. Time Counter: 6 - 8.5}

SEN. WILLIAMS reviewed what was included in the Indian Education for All Montanans binders and directed the Committee to the Working Group's proposed budget.

[EXHIBIT\(jeh32a10\)](#)

[EXHIBIT\(jeh32a11\)](#)

SEN. WILLIAMS explained the addition of the word "Montanans." Instead of the misconception that only Indians will be learning about their culture, adding the new word clarifies that all Montanans will learn about Indian culture.

SEN. WILLIAMS went into detail as to why the group was formed, what the task was and who was represented at the various meetings. The Working Group came to the conclusion that the proposed funding of \$2 million will not be adequate to meet the mandate.

SEN. WILLIAMS identified three under-funded or unaddressed needs when dealing with Indian Education for All Montanans: curriculum development, professional development, and an educational campaign to create awareness and support.

EXHIBIT(jeh32a12)

{Tape: 1; Side: B; Approx. Time Counter: 8.3 - 16.8}

When asked for his perspective by **SEN. WILLIAMS, REP. JACKSON** was impressed with how much has already been done in the Indian Education for All Montanans curriculum. He said the materials are out there but the implementation has not happened system-wide.

REP. JACKSON thought with the existing curriculum, the textbooks are primarily written for teachers, and teachers are just focusing on getting through the material rather than teaching it. He also thought the content of the textbooks and teaching methods at the university level needed work. He provided a personal experience about his teaching which incorporated the teaching methods that he had learned. **REP. JACKSON** said that the bottom-line in teaching is the relationship that the teacher and student have with each other. It is a powerful relationship that can be a motivation in itself.

REP. JACKSON felt more concentration needed to be on outcomes of the learning as opposed to just finishing the books. He also talked about teaching in Alaska where discrimination was the primary barrier in teaching Eskimos. **REP. JACKSON** explained the process that he used to lessen that "barrier" by building relationships. Through staff development, a teacher can learn to recognize, understand, and adapt to the values that are present in each community.

REP. JACKSON said that the curriculum needs to incorporate history, heritage (which goes into greater detail and includes language), and values.

REP. JACKSON said that when discrimination does happen, it needs to be brought out in the open and dealt with. Sometimes the "barrier" is difficult to recognize because it is not obvious, such as avoiding talking about it or not taking the first step forward in building that relationship.

REP. JACKSON thought that Indian Education for All Montanans should be dealt with in a full curriculum, not as a single subject. In addition, forcing the schools to implement Indian Education for All would be counter-productive. The ultimate goal is a commitment on the part of everyone involved in the process.

{Tape: 1; Side: B; Approx. Time Counter: 16.8 - 28.8}

REP. JACKSON stated how the Alaskan schools used local experts in the schools. If these experts want to pursue a career in teaching, their experience could provide a financial avenue for them. **REP. JACKSON** thought that some people just have the natural flare to teach and from day one, they are effective teachers. Some people may find it hard to believe that a person can just walk off the street and be an effective teacher, but he has seen that happen many, many times.

REP. JACKSON hopes the State would look into developing a certification program for local experts in certain areas so these experts could teach in the elementary and high school programs.

REP. JACKSON agreed with **SEN. WILLIAMS** about the three categories needed: model curriculum, professional development, and public education campaign.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 2.3}

REP. JUNEAU submitted written comments.

EXHIBIT(jeh32a13)

REP. JUNEAU referred the Subcommittee to various documents that are in the binder. She talked about the 1972 testimony, quoted the last paragraph, and said that these words could be said today. They are reflecting what is presently trying to be done. She mentioned Article XI and the Supreme Court decision. Many people have been working long and hard trying to bring what we call "this constitutional promise" to life. She quoted Delegate Champoux's words from the transcript.

{Tape: 2; Side: A; Approx. Time Counter: 2.3 - 10.2}

SEN. WILLIAMS thought discussion on this proposed budget would be worthwhile and that education will be the most important issue which is discussed during this session. She was appreciative to the Subcommittee for allowing the Working Group to discuss Indian Education for All Montanans.

{Tape: 2; Side: A; Approx. Time Counter: 10.2 - 11.8}

CHAIR FRANKLIN focused on the budget prospective as the next step. The duty of the Working Group was to come up with specific recommendations and concrete numbers that could be justified to colleagues and to the public. She mentioned the items that are listed in the Indian Education for All (IEFA) Budget, Exhibit 11.

SEN. WILLIAMS wanted to make clear that the Working Group's proposal is separate from the Governor's Budget. The Governor's Budget is in the front of the binder under the tab "OPI Budget". The total of these two proposals would be \$10 million.

CHAIR FRANKLIN said the proposal reflects a compromise between the Governor's Budget for program planning and REP. BIXBY's \$23 million proposal, which had more "grassroots" involvement.

CHAIR FRANKLIN further said this budget reflects the merit and real importance in planning. In addition there is a community based component that will allow the people who have done work on Indian Education for All Montanans to be recognized. The competitive grant process will have incentives to provide both curriculum and educational activities that will ideally become part of the larger planning process.

CHAIR FRANKLIN stated as chair, it is her primary function to keep the adopted budget in range of the proposed executive's budget. **CHAIR FRANKLIN** said that she would like to acknowledge that they are one of the few Subcommittees under budget. She stated that this feeling may dissipate by tomorrow, but "let's sort of savor that moment for as long as it lasts. We are under budget today."

{Tape: 2; Side: A; Approx. Time Counter: 11.8 - 18.5}

CHAIR FRANKLIN realized that Indian Education for All is not an add-on to that Supreme Court decision; it is the central core of the integral factors that brought the Supreme Court decision forward, and it would be foolish to leave it out again.

REP. GLASER began reading from a letter by REP. LINDEEN.

REP. GLASER informed the Subcommittee that the President of the Senate, in concurrence with the conversation that he had with the Speaker of the House, have collectively decided to appoint a subcommittee that deals only with money issues of education, the formula and funding. The members will be SEN. RYAN, SEN. STORY, REP. RAZOR and REP. GLASER. It is a select joint committee.

REP. GLASER further said that under REP. LINDEEN's authority she has appointed a subcommittee from the House Education Select

Committee which will deal with providing a definition of "quality education." REP. LINDEEN, REP. GALLIK, REP. WAGMAN, and REP. LAKE will be the members.

REP. GLASER added that the Subcommittee working with the funding formula did not have a chairman yet; the Speaker needed more time. With the Subcommittee working on the definition, **REP. GLASER** said, "All four of those folks are inspired from their point of view. It will be volatile."

{Tape: 2; Side: A; Approx. Time Counter: 18.5 - 22.1}

CHAIR FRANKLIN told the Subcommittee about a personal experience that she had in Great Falls that dealt with finding solutions to the funding of education. She moved on to public comment.

{Tape: 2; Side: A; Approx. Time Counter: 22.1 - 24.3}

Public Comment
Indian Education for All Montanans (IEFAM)

REP. NORMA BIXBY, HD 41, said that with the \$23 million proposal it would have been fair for all of those years of not having any funding. She stated that the Working Group's budget gave up a lot of what was needed in implementing IEFAM.

REP. BIXBY stated the \$10 million before the Subcommittee for approval is based on educational relevant factors for American Indians and for a quality education for American Indians. These numbers are the bottom-line that is needed to meet the goals.

REP. BIXBY commented that the Governor gave \$80 million to education and this \$10 million is just over ten percent of that figure. All children deserve and need a curriculum that deals with the Indian culture.

REP. BIXBY said that Indians lack identity in the public schools. Their identity has been taken away from them by having them conform to others' values, by the federal government, and by being asked to be something that they are not.

REP. BIXBY talked about her personal experiences growing up. In order to survive, **REP. BIXBY** played the game of identifying with another culture. She identified with the black people because "Indians were no good and we were terrible people." She believed that children should not have to go through that experience.

REP. BIXBY thought Indian children are having problems because they do not have the identity that was once there within the Indian culture. Indian children need to know who they are and where they came from and at the same time, non-Indian children need to understand the Indians. She said that once that happens, more respect will happen between the two cultures.

REP. BIXBY said, "We can change the system. But we cannot change it until we are part of the system. We can't be outside the door, anymore. Thank you."

{Tape: 2; Side: A; Approx. Time Counter: 24.3 - 28.7}

Denise Juneau, attorney, explained how she has spent her entire life in the public education system and seldom saw the Indian culture being taught. It was unconscionable that the State has waited 34 years to address this issue and the proponents have to show up time and time again to plea.

Ms. Juneau said that she thought \$10 million is a good start. The proposal has been well thought out with a lot of input from Indian educators working on this issue for years. She hopes the Subcommittee will make the best decision for all Montanans.

EXHIBIT(jeh32a14)

{Tape: 2; Side: A; Approx. Time Counter: 28.7 - 30.5}

{Tape: 2; Side: B; Approx. Time Counter: 0 - 5.3}

Stan Juneau, retired Public School Superintendent, Browning Schools, said that he has spent almost all of his career in a public school on an Indian reservation. He told the Subcommittee about his personal experiences in trying to implement Indian issues. He has had concerns about the curriculum and the lack of Indian identity in schools since his college years in the late '60s and early '70s. He has testified in many hearings.

Mr. Juneau thought the Working Group's report was very important and was something many people have been trying to accomplish for years and worthy of the Legislature's support. **Mr. Juneau** thought it was very important that Indians have an identity of who they are in their communities. Indian culture was not even present at the Browning school, even though it is on an Indian reservation. There were federal funds for programs about Indian culture, but once the money is gone, so is the program.

Mr. Juneau added that if the State provides some funding, IEFAM will become part of the regular curriculum offered in the state-wide system; it will then be institutionalized in the system. Indians and non-Indians can start building relationships that

they should have had from the beginning; the discrimination that REP. JACKSON was talking about would hopefully be decreased. **Mr. Juneau** hoped that then there would a more harmonious relationship between both groups, but admitted it may take a generation or two.

{Tape: 2; Side: B; Approx. Time Counter: 5.3 - 11}

Bob Tailfeathers, Acting President, Blackfeet Community College (BCC), told his work history: talent search coordinator, the TRIO program, and BCC for the past 19 years. He also provided his experiences growing up as an Indian.

Mr. Tailfeathers stated that the Indian identity was usually seen on TV or in a cartoon as a negative image. In the school system, nothing was being provided that would make the Indians feel good about themselves. They only had their oral history which was provided by grandparents. He was aware of the challenge of budgeting, but these priorities were added to the Constitution.

Mr. Tailfeathers said he wants the children to feel good about who they are. When Indian ways are being taught, all people will become more sensitive. All of us have experienced discrimination of some kind, so we need to be sensitive to the tribes of Montana.

Mr. Tailfeathers explained the Blackfeet tribe is actually one of four tribal groups; the other three tribes live in Canada. At one time, The Blackfeet were just one tribe. He has Canadian relatives that go by the name Tailfeathers. He never read that history in a Montana history book or a US History book; it was something learned through his youth and adult years. **Mr. Tailfeathers** concluded by asking for the Committee's support in funding for Indian Education for All Montanans. It will provide a better life for everyone's children and grandchildren.

{Tape: 2; Side: B; Approx. Time Counter: 11 - 18.9}

Public Testimony - HB 16

This bill deals with the non-beneficiary students. At the time of drafting these minutes, the Legislature had already adopted this bill, and it is being sent to the Governor's Office.

Sherri Breneman, Grandmother, Mother and Student at BCC, said that she is a non-native student at the college and is here today to support HB 16. She explained why she chose BCC and praised the support that she has received from the college. Native

American people really deserve the funding to help these colleges grow. They service a wider community.

{Tape: 2; Side: B; Approx. Time Counter: 18.9 - 21.7}

Brenda Burdeau-Mehta, Student, BCC, said although she is a Blackfoot, she did not grow up on the reservation. She grew up in a non-native school system which was discriminatory. Due to the treatment that she received, she went on to college after her sophomore year of high school. She also gave an example of the differences between the Native and non-natives. Natives view staring directing into another's eyes as an insult or challenge, while non-natives just think you are hiding something.

Ms. Burdeau-Mehta informed the Subcommittee that the Native American students are more educated today. There is also an increase in the number of non-beneficiary students at BCC and the college is expanding out to a broader region.

{Tape: 2; Side: B; Approx. Time Counter: 21.7 - 28.5}

{Tape: 3; Side: A; Approx. Time Counter: 0 - 0.1}

CHAIR FRANKLIN concluded the hearing by thanking everyone. The Subcommittee will reconvene tomorrow at 8:15 A.M.

{Tape: 3; Side: A; Approx. Time Counter: 0.1 - 1.2}

ADJOURNMENT

Adjournment: 9:55 A.M.

REP. EVE FRANKLIN, Chairman

DIANA WILLIAMS, Secretary

EF/dw

Additional Exhibits:

EXHIBIT ([jeh32aad0.PDF](#))