

MINUTES

MONTANA SENATE 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By **CHAIRMAN DON RYAN**, on January 6, 2005 at 7:00 P.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Don Ryan, Chairman (D)
Sen. Gregory D. Barkus (R)
Sen. Jerry W. Black (R)
Sen. Jim Elliott (D)
Sen. Kim Gillan (D)
Sen. Bob Hawks (D)
Sen. Sam Kitzenberg (R)
Sen. Jesse Laslovich (D)
Sen. Jeff Mangan (D)
Sen. Dan McGee (R)
Sen. Bob Story Jr. (R)

Members Excused: Senators Elliott, McGee, and Story

Members Absent: None.

Staff Present: Connie Erickson, Legislative Branch
Lois O'Connor, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: SB 152, 12/30/2004 (Continued)
Executive Action: None.

HEARING ON SB 152 (CONTINUED)

Motion/Vote: SEN. JEFF MANGAN moved that Committee members be allowed to use PROXY VOTES as outlined at the Organizational meeting. Motion passed unanimously by voice vote.

{Tape: 1; Side: A; Time Counter: 3.2}

Informational Testimony:

Marilyn Delger, Hawthorne School, Bozeman, provided written comments in support of the role that the arts play in the definition of a quality education. **Ms. Delger** also provided a brochure regarding an innovative approach to arts in education and a series of material and test scores showing that students who participate in the arts are more likely to be recognized for personal achievements in the classroom.

[EXHIBIT\(eds04a01\)](#)

[EXHIBIT\(eds04a02\)](#)

[EXHIBIT\(eds04a03\)](#)

[EXHIBIT\(eds04a04\)](#)

[EXHIBIT\(eds04a05\)](#)

[EXHIBIT\(eds04a06\)](#)

[EXHIBIT\(eds04a07\)](#)

[EXHIBIT\(eds04a08\)](#)

{Tape: 1; Side: A; Time Counter: 12.2}

Jack Copps, Executive Director, Montana Quality Education Coalition (MQEC), said that although the Supreme Court's decision is preliminary, the decision guides the Legislature by stating that "until such time as the Legislature assesses educational needs and defines quality, the Legislature is not in a position to construct a funding system rationally related to educationally relevant factors". **Mr. Copps** added that the Legislature needs to (1) assess educational needs, (2) define quality, and (3) construct a new school funding system using educationally relevant factors. SB 152 is a serious attempt to address the Legislature's first two charges.

Mr. Copps also expressed his concerns with SB 152 in that he felt there may be items inadvertently excluded in an attempt to define a basic system of quality schools. He believed it was never the intent of **SEN. DON RYAN,** sponsor of SB 152, to exclude any existing mandates, regulations, or standards that schools must currently comply with, but rather, include all laws that currently govern schools. As a result, **Mr. Copps** requested that

the Committee include in SB 152 a statement that recognizes all standards and laws that govern the operation of public schools are part of the assessment of educational needs.

Mr. Copps added that SB 152 should also include the findings of the K-12 School Renewal Commission. He said that the Commission was authorized by the 2003 Legislature to examine the components of public education and to make recommendations for changes or revisions. MQEC believes that the Commission's findings should be given serious consideration as a part of the assessment of educational needs and the eventual definition of a basic system of quality schools.

Lance Melton, Executive Director, Montana School Boards Association (MTSBA), provided written comments expressing both his support and concerns with SB 152, particularly in the area of assessing educational needs.

EXHIBIT(eds04a09)

{Tape: 1; Side: A; Approx. Time Counter: 23.7}

Steve Meloy, Executive Secretary, Montana Board of Public Education, provided informational comments on SB 152.

EXHIBIT(eds04a10)

{Tape: 1; Side: A; Approx. Time Counter: 27.7}

Dave Puyer, Montana Rural Education Association (MREA), supported the concept of SB 152. However, he expressed his concerns in the areas of quality that need to be identified in assessing educational needs. **Mr. Puyer** pointed out the work conducted by Carl Glickman who established a series of articles and books entitled "Holding Sacred Ground" and "The Impact of Standardization on Education". He said that in Mr. Glickman's process, he pointed out that for years, societies have been trying to identify the concept of the well-educated citizen.

Mr. Puyer said that the idea of a well-educated citizen is very related to the current discussion surrounding Montana's educational system. On behalf of Montana's rural schools, **Mr. Puyer** was concerned with the definition of quality, what steps will be taken to define quality, how the Legislature would assess the educational needs of schools, and how all of these changes would be done in a very short period of time. **Mr. Puyer** said that the MREA recommends that the Committee consider the recommendations of the Public School Renewal Commission, particularly in the area of accreditation standards. He felt that the accreditation standards could help in the area of defining a

quality education. He said that Montana educators have been involved in accreditation standards on a daily basis and know how to adjust the standards.

Mary Wittinghill, Montana Taxpayers Association (MTA), provided informational testimony on "Who Needs a Bad Teacher When You Can Get a Worse Judge" and an article from Governing Magazine entitled "Insufficient Funds".

EXHIBIT (eds04a11)

EXHIBIT (eds04a12)

Ms. Wittinghill said that the Association was a member of the School Renewal Commission, and the MTA's desire would be to see that the Committee review all three issues related to education in tandem, but most important, review what Montana can afford. She said that everyone is concerned with providing the best education possible to all Montana students, but there are competing demands for the limited resources available from Montana's taxpayers.

Ms. Wittinghill added that the Committee should also review the Augenblick and Meyer study, particularly in the area of assessment. She said that Montana is not alone in the litigation on school adequacy. Approximately 24 states are now in litigation and only 5 states have concluded their lawsuits. She requested that the Committee review what other states have done. **Ms.**

Wittinghill cautioned the Committee that to not adopt only blanket-approach fixes with the additional revenue that it may find. The Committee must look at the problems identified by the Court and any additional funding should be spent in those areas, such as school districts that are over BASE.

{Tape: 2; Side: B; Approx. Time Counter: 10.4}

Questions from Committee Members and Responses:

SEN. MANGAN questioned whether there was the need to conduct another study on needs assessments and what would the Legislature have to do to SB 152 to address teacher salaries and benefits and transportation and facilities, taking into account the Augenblick and Meyer study. **Mr. Melton** said that MTSBA's current perspective on how to approach this issue would be to assess educational needs through a study and a determination of quality that is generated through the study process. He said that SB 152 could work if it is tied to the assessment of educational needs. The Committee could also incorporate the recommendations from the Public School Renewal Commission or the Augenblick and Meyer study which provides an objective way to assess educational

needs. The school funding lawsuit requires that the Legislature address transportation and facilities and adequate compensation and benefits for teaching personnel now. **Mr. Melton** said that at some point, the Legislature must assess educational needs, and it could be done as easily as incorporating the findings of the Public Schools Renewal Commission.

{Tape: 1; Side: B; Approx. Time Counter: 20.2}

SEN. GILLAN asked how the Committee could incorporate the Public School Renewal Commission's recommendations into SB 152. **Mr. Melton** said that he sees SB 152 as a framework for debate for subsequent legislation to address the Court's ruling. The Commission's recommendations could be used as the Legislature's assessment which would then kick in an obligation for other pieces of legislation, for example, full-day kindergarten. **Mr. Melton** added that there are also several bill drafts requested by the Education and Local Government Interim Committee that addresses each of the findings of the Public Schools Renewal Commission.

SEN. HAWKS asked about **Mr. Melton's** reservations about SB 152. **Mr. Melton** responded that his concern with SB 152 is not with what it addresses, but with the fact that it does not address the assessment of educational needs.

{Tape: 2; Side: A; Approx. Time Counter: 0.1}

SEN. BARKUS asked how the Legislature could develop any kind of cookie-cutter approach toward the definition of a quality education that would be equal to all schools, particularly small, rural schools. **Mr. Puyer** said that the accreditation standards will be the unsung heros. If rural schools cannot meet the standards, there is a process in place that allows rural schools to come before the Board of Public Education and begin a dialog of what can be done so that the school can better meet the challenges of quality. **SEN. BARKUS** asked if Judge Sherlock's decision ignored the existing accreditation standards in his deliberations. **Mr. Puyer** said no.

SEN. MANGAN asked how the Legislature would put the word "assess" into practice and who would make the final determination of the proper definition of quality. **SEN. RYAN** said that his intention with introducing SB 152 is to try and define some of the things that every school district should have in order to have a quality school, in order to meet the accreditation standards, and in order to meet the needs of the individual children who are at-risk and have special needs within a district. SB 152 is only a starting point or base to begin discussions to meet the

requirements of the Court. **SEN. MANGAN** felt that the Committee may have to put more teeth into SB 152 because is felt that some Legislators are still of the belief that the current educational system is fine, which is not the case.

SEN. RYAN requested that Committee members think about all of the suggestions heard and start crafting how the Legislature could make SB 152 work. Once that is established, the Committee will then return to what it thinks are educationally relevant factors.

ADJOURNMENT

Adjournment: 8:15 P.M.

SEN. DON RYAN, Chairman

LOIS O'CONNOR, Secretary

DR/lo

Additional Exhibits:

EXHIBIT ([eds04aad0.PDF](#))