



## 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  
JOY LEWIS, Secretary

# MINUTES LOG

Education and Local Government Interim Committee  
September 16, 2014 Room 137, State Capitol

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.

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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. FREDERICK (ERIC) MOORE  
SEN. MATTHEW ROSENDALE  
SEN. JONATHAN WINDY BOY

REP. KRISTIN HANSEN  
REP. JEAN PRICE  
REP. DANIEL SALOMON  
REP. TOM WOODS

#### COMMITTEE MEMBERS ABSENT

REP. EDITH (EDIE) MCCLAFFERTY  
SEN. SHARON STEWART-PEREGOY

#### STAFF PRESENT

PAD MCCRACKEN, Lead Staff  
LAURA SANKEY, Staff Attorney  
JOY LEWIS, Secretary

## **AGENDA & VISITORS' LIST**

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

## **COMMITTEE ACTION**

- The committee agreed to:
- ! undo the language change, "is employed," and reinstate "resides," in LCOptC, New Section 7.
  - ! accept LCOptC as amended.
  - ! accept the "Final Report of the Education and Local Government Interim Committee Subcommittee on Shared Policy Goals for the Education 2013-2014 Interim."
  - ! pass a resolution that opposed the new rules proposed by OPI for Chapter 63 preschool accreditation standards. ([Attachment 5](#))
  - ! recommend LCIMT1 as a committee bill.

## **CALL TO ORDER AND ROLL CALL**

00:00:46 Sen. Facey, chair, called the meeting to order at 8:05 p.m. The secretary took the roll. ([Attachment 3](#)) Sen. Facey reviewed the agenda.

## **HJR 2** (discussion continued)

00:02:37 Laura Sankey, staff Attorney, explained the proposed language for Alternative 2 that allows for a case-by-case decision on the use of "person" or "citizen."  
([Exhibit 1](#))

00:04:48 Sen. Facey and Ms. Sankey discussed the definition of "citizen" as defined in 1-1-402, MCA.

00:06:07 Sen. Rosendale talked about trying to avoid a lot of extra work for municipalities if the language could be clarified.

00:07:58 Sen. Facey asked when Section 8 was last amended.

00:08:34 Rep. Woods said the use of "citizen" felt limiting and could tie up things in court proceedings.

00:09:07 Sen. Facey reiterated Sen. Rosendale's concerns.

00:09:28 Ms. Sankey said that Section 8 is a combination of two existing Sections of code, 2-6-207 and 2-6-307, MCA and were enacted in 1979 and have not been amended since then.

00:09:53 Sen. Rosendale restated his concerns.

00:10:45 Sen. Facey

00:11:06 Sen. Rosendale moved to amend Section 2, 3, 4, 5 and 8.

00:11:47 Ms. Sankey asked for clarification.

00:11:57 Sen. Facey  
00:12:02 Rep. Hansen said that unless she was reading something wrong it looked like the committee was setting up a citizenship test for people to get a copy of something from the clerk and recorder. She said she couldn't support the motion but thought it was worth looking into.

00:13:15 Sen. Rosendale withdrew his motion.  
00:14:08 Rep. Jones proposed to delineate different fees for citizens or persons in Section 4.

00:15:05 Sen. Facey asked Laura to read the definition.  
00:15:33 Ms. Sankey read the definition of "citizens" defined in Section 1-1-402, MCA.

00:15:59 Sen. Facey clarified the definition and the intention of the committee to clarify the records and avoid making big policy decisions. He asked that the committee move the bill forward and address Sen. Rosendale's issue in another bill.

00:18:06 Sen. Rosendale, Sen. Facey, Rep. Jones, and Ms. Sankey discussed the fee schedule and the legality of implementing it for different people.

00:20:27 Sen. Facey talked about moving the bill forward and that it will still be subject to the amendment process during the 2015 legislative session. He proposed using Option 1 and using "person."

00:21:18 Pad McCracken, staff Research Analyst, explained that the draft could stay as is. It didn't need amending.

00:22:02 Sen. Facey  
00:22:07 Rep. Jones clarified his position.  
00:22:39 Sen. Facey asked someone to move LCOptC forward as a committee bill.  
00:22:45 Rep. Price moved to go forward with LCOptC as a committee bill.  
00:23:51 Sen. Facey  
00:24:03 Ms. Sankey clarified Section 7 concerning where an employee "works or resides." She said it would be better to leave it as is in the original draft.

00:25:30 Rep. Hansen moved to undo the previous day's language change "is employed" and reinstate "resides" in New Section 7 LCOptC.

00:26:20 Sen. Facey called a voice vote and it passed unanimously.  
00:26:45 Rep. Price moved to accept LCOptC as amended.  
00:27:19 Sen. Facey called a voice vote and the motion passed unanimously.  
00:28:15 Rep. Price moved to go forward with LCMHSC request for consultant appropriation as a committee bill.

00:29:20 Sen. Rosendale restated his comments from the previous day's meeting.  
00:30:04 Sen. Facey  
00:30:09 Rep Price asked if is it possible to amend the draft to reflect support for the bill while also acknowledging that more consideration for funding should take place at a later date.

00:30:51 Sen. Facey thought that the bill should stay intact.  
00:31:09 Rep. Woods suggested that the funding amount will be reviewed and debated during session and the committee should move it forward.  
00:31:39 Mr. McCracken

- 00:31:57 Rep. Hansen clarified her positive position on the bill but she wouldn't support the motion to move it forward.
- 00:33:02 Sen. Facey called for a roll call vote for Rep. Price's motion. [\(Attachment 4\)](#) The motion failed.

## **REPORT AND RECOMMENDATIONS OF SUBCOMMITTEE ON SHARED POLICY GOALS FOR EDUCATION**

### **Subcommittee report and recommendations**

- 00:35:02 Mr. McCracken gave an overview of the final draft report on the Shared Policy Goals for Education. He reviewed Appendix A. [\(Exhibit 2\)](#)

### **Questions from the committee/discussion**

- 00:45:35 Sen. Facey
- 00:45:38 Sen. Rosendale made some suggestions for changes in the Share Policy Goals report on page 14. He said the average debt per student at the time of graduation was missing and in 1.4 of the Goals section there was nothing that addressed reducing the remedial class participation. On page 15 he stated that there wasn't any mention of certificates in resource development and on page 16, 3.3 of the Goals section, he pointed out a typo. [\(Exhibit 2\)](#)
- 00:47:50 Sen. Facey
- 00:47:54 Rep. Hansen pointed out to the committee that given the time frame and the amount of material they had to review, they had to rely on what the Regents had designed as a strategic plan. She talked about improving information sharing between all parties.
- 00:50:14 Sen. Facey, Sen. Rosendale and Rep. Woods spoke about remedial classes, non traditional students needing remedial support and public schools not preparing students properly for college.
- 00:53:37 Sen. Facey
- 00:53:55 Rep. Hansen spoke about the K-12 goals that were dropped from the Shared Policy Goals and how this fails to address local control, the progress of struggling schools, and legislative oversight of the Board of Public Education procedures. She said the committee should recommend re-establishing those K-12 goals.
- 00:56:55 Sen. Moore expressed his concern about Superintendent's Juneau's unwillingness to meet with the bipartisan committee to discuss the K-12 Shared Policy goals.

### **Committee decisions on whether to accept report and approve MUS and K-20 shared policy goal documents**

- 00:57:54 Mr. McCracken gave an overview of the Shared Policy Goals and accountability measures for the K-20 public education system located on page 21 of the final report. [\(Exhibit 2\)](#)

01:00:16 Sen. Facey  
01:00:30 Rep. Hansen reviewed the discussions focused on the K-20 Shared Policy Goals and she mentioned the Department of Labor and Industry's career information service.  
01:04:37 Sen. Facey

### **Public comment**

01:04:56 **Clayton Christian**, Commissioner of Higher Education, said he very much embraced what the committee was doing to ensure a stronger university system. He addressed the student debt, and remedial concern of Sen. Rosendale's. He said that they were working diligently on these issues.

01:10:06 Rep. Woods and Mr. Christian discussed the different rates used as measurements for students who don't belong in college.

01:13:42 Sen. Facey  
01:13:47 Rep. Jones and Mr. Christian discussed minimum GPA requirements to get into college that include minimum ACT scores and general admission standards.

01:15:38 Sen. Rosendale, Mr. Christian, Sen. Facey and Rep. Woods discussed differences in benchmarks for helping students in different environments by using different placement tests across the state.

01:26:19 Rep. Hansen asked about alternative entrance plans for home school students and private school students.

01:27:46 Mr. Christian said that those students have access to the digital academy.  
01:28:19 **Tyler Trevor**, Deputy Commissioner, Office of Commissioner for Higher Education, clarified that nothing has changed for those students. They can get into college with an ACT score.

01:29:16 Sen. Facey said he would entertain a motion to accept the final report of the K-20 Shared Policy Goals.

01:29:59 Sen. Rosendale moved to accept the "Final Report of the Education and Local Government Interim Committee Subcommittee on Shared Policy Goals for the Education 2013-2014 Interim."

01:30:25 Sen. Facey called a voice vote and the motion passed unanimously.

### **ADMINISTRATIVE RULE REVIEW**

01:31:03 Ms. Sankey, gave an overview of the following rules:  
! ARM Title 10, Chapter 64, School Bus Driver Qualifications;  
! ARM Title 10, Chapter 59, MT School for the Deaf and Blind Foundation;  
! ARM Title 10, Chapter 57, Educator Licensure;  
! ARM Title 10, Chapter 58, Professional Educator Preparation Program Standards (PEPPS);  
! ARM Title 10, Chapter 63, Preschool Program Standards; and

Committee request for fiscal analysis of Chapter 63 by LFD  
(20-7-101) **(Exhibit 3)**

**Questions from the committee/discussion**

- 01:36:55 Sen. Facey
- 01:37:14 Rep. Hansen asked how the rulemaking process works if there is public comment and subsequent amendments.
- 01:38:12 Ms. Sankey replied that it would depend on the extent of comments received and the work involved in responding to the comments.
- 01:39:40 Rep. Hansen and Ms. Sankey discussed the rule making procedure and how the Board of Public Education (BPE) voluntarily complies with the Montana Administrative Procedures Act (MAPA).
- 01:40:19 Sen. Rosendale discussed how he felt the preschool rules were unfair and he moved to pass a resolution that opposed the new rules proposed by Office of Public Education (OPI) for Chapter 63 preschool accreditation standards. He read his resolution. **(Exhibit 4)**
- 01:42:58 Sen. Facey and Sen. Rosendale discussed the practical effect of passing the motion.
- 01:44:02 Rep. Woods and Sen. Rosendale discussed what was meant by competition between preschools.
- 01:45:09 Sen. Facey discussed all-day kindergarten as an example of the system working.
- 01:46:24 Sen. Moore disagreed with Sen. Facey's reasoning.
- 01:48:06 Rep. Woods asked which of the accreditation standards were setting the bar too high.
- 01:48:34 Sen. Rosendale answered that he didn't think it was about setting the bar too high but that it's about building in a level of bureaucracy that small private entities can't compete with.
- 01:49:21 Sen. Facey
- 01:51:13 Sen. Lewis talked about his great granddaughter's experience in public preschool and then a private preschool. He explained how the staff in the private school would not be able to meet the accreditation standards.
- 01:53:44 Sen. Moore questioned the rules and procedures for the appropriateness of public comment.
- 01:53:59 Sen. Facey answered that he thought it was important enough to warrant public comment.
- 01:54:38 Sen. Moore
- 01:55:06 Sen. Facey

**Public comment**

- 01:55:17 **Kelly Rosenleaf**, Director of Child Care Resources, said she was delighted Montana is considering pre-K and she said there is a wealth of information on similar successful initiatives in other parts of the country. She explained they are successful because they involve a mixed delivery system that builds on private enterprise and Head Start programs. She

- said it's important to have qualified people teaching children.
- 02:01:02 **Dr. Shannon O'Brien**, Education Policy Advisor for the Governor, said that she and her colleague, Siri Smillie, will be addressing a number of the issues that Sen. Rosendale had expressed in his proposed resolution.
- 02:02:13 **Marco Ferro**, MEA MFT, said the organization is in full support of the ruling made by BPE and OPI. He lauded its voluntary nature.
- 02:03:01 **Sharon DiBrito**, Executive Director, Montana Association for Education of Young Children and former pre-school director. The organization has a few concerns with Chapter 63 but on the whole they are satisfied. She referenced the Montana Budget and Policy Center literature. **(Exhibit 5)**
- 02:06:15 **Mary Jane Standaert**, Executive Director, Montana Head Start Association, said that they support the rule but the biggest concern for them lies in the comprehensive services. She said there is a lot more to consider when involving families of children who are at risk. She encouraged the committee to think about implementing the preschool program standards correctly. She said that Head Start wants to be a partner.

#### **Executive Session Discussion Continued**

- 02:08:56 Sen. Facey
- 02:09:20 Rep. Price talked about the successful early childhood Head Start program in Great Falls and how she has not heard any complaints from the private sector about impacts to the services they provide.
- 02:10:26 Rep. Woods said that systems exist for a reason. He said he couldn't support the motion as written.
- 02:11:57 Sen. Facey submitted an amendment to Sen. Rosendale's resolution that read "be it resolved that a majority of the members present and voting, of the ELG committee, oppose the new accreditation standards."
- 02:12:56 Sen. Rosendale said he would not agree and he would respectfully reject the amendment.
- 02:13:13 Sen. Facey called for a roll call vote. The motion passed, 6-5.  
**(Attachment 5)**
- 02:15:07 Sen. Moore, Ms. Sankey, Sen. Facey, Rep. Hansen and Sen. Rosendale discussed Chapter 57 and Chapter 63.
- 02:19:03 Sen. Facey opened discussion on the fiscal analysis of Chapter 63 (20-7-101)
- 02:19:08 Rep. Hansen asked the chair to request that the committee have an opportunity to look at what the fiscal assumptions were going to be before the analysis is performed.
- 02:19:54 Sen. Facey said that can't be done considering it was the committee's last meeting and an analysis hasn't been completed yet.
- 02:20:15 Mr. McCracken clarified that OPI provided four cost assumptions that he had earlier emailed to the committee. He said those cost assumptions aren't necessarily the ones that LFD will be utilizing in the fiscal analysis.

- 02:21:01 Rep. Hansen recalled Mr. Parman from OPI presenting the cost assumptions and that she'd like to be informed when LFD has decided what their assumptions are going to be so she can dialogue with them.
- 02:21:35 Sen. Facey
- 02:21:00 Sen. Rosendale made a motion to forward a copy of the resolution to OPI and the BPE for consideration.
- 02:21:39 Sen. Facey accepted the motion as a friendly amendment included on the resolution after the vote. He said that Rep. Jones had agreed to carry the committee bill: LCOptC. He recessed the committee at 10:30 a.m. for a break.

### **Break**

- 02:39:43 Sen. Facey call the meeting back to session at 10:45 a.m.

### **UPDATE ON GOVERNOR BULLOCK'S PRESCHOOL PROPOSAL**

- 02:40:26 Dr. Shannon O'Brien, Education Policy Advisor for the governor, gave an update on the preschool proposal that Governor Bullock plans to introduce in the up coming session. She discussed the Main Street Montana Project and the five emerging themes that came from the input collected from over 2000 constituents. She shared the benefits of high quality care and education.
- 02:46:17 Siri Smillie, Communities and Safety Policy Advisor for the Governor, continued the explanation of the Governor's proposal with the emphasis on high quality staff and teachers to support student learning. She said that the Governor will fund this proposal without raising taxes or cutting any programs by using a block grant model. She gave a preliminary estimate of \$37 million over the biennium.

### **Questions from the committee/discussion**

- 02:50:58 Rep. Price and Ms. Smillie discussed public comment and involvement and how it figured into the process of decision making in the Governor's proposal.
- 02:52:41 Sen. Facey
- 02:52:45 Sen. Lewis and Ms. Smillie discussed the request for \$37 million in general fund dollars and the fact that the federal pre-school grant won't be part of the funding mix but it will be an ongoing general fund request.
- 02:54:30 Sen. Rosendale and Dr. O'Brien discussed work group participation and how he feels very disappointed that there was little information given when he asked about the programs in previous meetings. They discussed funding the proposal in the upcoming session and if and when the federal grant money would be applied for.
- 02:56:51 Sen. Facey said he believed they will not be applying for grant

02:57:06 Ms. Smillie said they will be applying for grant and that OPI will be taking the lead on it.

02:57:54 Sen. Rosendale said he was not happy with not being made aware of when the application for grants were initiated.

02:58:08 Sen. Moore and Ms. Smillie discussed the funding formula and how they would fund districts with more than ten children. They also talked about Chapter 63 accreditation standards falling outside the school district.

03:01:14 Rep. Hansen, Dr. O'Brien, and Ms. Smillie discussed the partnership concept in pre-existing preschools statewide and the research that supports accreditation standards for staff and how this presupposes the qualifications a private pre-school teacher may have .

03:03:43 Sen. Windy Boy arrived at 11:07 a.m.

03:08:58 Rep. Salomon, Ms. Smillie and Dr. O'Brien discussed funding for schools with over ten children in the program and if private pre-school staff would be considered school employees while they partnered with the school districts.

03:12:05 Sen. Moore and Ms. Smillie discussed funding for full time and part time staff.

03:13:18 Rep. Price and Ms. Smillie talked about the 42 states that have already enacted these rules and how Montana compares to the procedural aspects and funding issues in these states.

03:15:46 Sen. Rosendale said that there were 42 states that offer some type of school choice and perhaps the Governor, BPE and OPI could support that as well.

03:16:23 Sen. Lewis and Ms. Smillie discussed funding questions and the voluntary aspect of the program.

03:18:08 Rep. Woods responded to Sen. Rosendale's previous line of reasoning about school choice.

03:18:40 Sen. Moore and Dr. O'Brien talked about going over the \$37 million threshold and how that likely wouldn't happen given that they are anticipating only a 50% uptake in the first and second years, and the prudence of planning ahead.

03:20:27 Rep. Jones, Dr. O'Brien and Ms. Smillie talked about current pre-schools such as Head Start and if they meet Chapter 63 standards. They talked about provisional licenses and requirements for partnerships with the school districts, as well as the benefits to all children including those at risk.

03:28:53 Rep. Woods and Dr. O'Brien discussed the availability of online classes to help provide an avenue toward accreditation.

03:31:31 Rep. Hansen talked about a tax credit scholarship bill that came before the 2013 Legislature and was vetoed by the Governor. She wanted to know where the \$37 million was coming from in the Governor's new bill.

03:32:53 Ms. Smillie, said it was coming from general fund dollars.

03:33:25 Rep. Hansen asked how the Governor's bill impacts the K-12 budget.

03:34:25 Sen. Facey and Rep. Hansen discussed the focus of Rep. Hansen's line

- questioning on the subject.
- 03:35:14 Dr. O'Brien explained that the Governor was very interested in innovation and meeting the needs of individual students in early education.
- 03:36:20 Rep. Hansen, and Ms. Smillie discussed the reason for the block grant approach.
- 03:38:56 Sen. Facey asked for public comment

### **Public comment**

- 03:39:24 **Sharon Dibrito** talked about the existence of current quality programs in Montana that are not regulated by any agency in Montana. She said that there are also many that are substandard programs because of safety issues, health concerns, educational concerns and a variety of other issues. She talked about the Stars to Quality program through the Department of Health and Human Services and the different levels that can be achieved. She supports the requirements of Chapter 63.
- 03:42:52 **Mary Jane Standaert**, Montana Head Start Association, said she teaches some early childhood classes online She said that Head Start requires a degree in early childhood education.
- 03:46:38 **Heather O'Laughlin**, Director of Research, Montana Budget and Policy Center, gave an overview of the organization's report on "The Economic Benefits of pre-Kindergarten September 2014." ([Exhibit 4](#))
- 03:50:53 **Eric Burke**, MEA MFT, supports the standards and rules and believes all teachers should be accredited for quality learning opportunities for all students. He said that the return on investment on a program in early childhood in Montana is overwhelming positive.
- 03:54:33 **Debra Lamm**, Livingston, expressed concern about addressing the issues of all children instead of just children at risk. She also expressed concern with leaving out families in decisions that involve their children. She would like more information about public meetings.

### **Questions from the committee/discussion**

- 03:57:30 Sen. Rosendale, Ms. Smillie and Dr. O'Brien discussed the issue of safety conditions and how the concerns were being addressed in Chapter 63 and rule #8.
- 04:00:27 Sen. Moore and Ms. Smillie discussed rule #5, early childhood paraprofessional qualifications and what it means to meet a rigorous standard of quality.
- 04:02:09 Rep. Jones and Ms. Standaert talked about the early childhood education degree required of 50% for teachers by 2014 and 100% by 2018 for Head Start. Two adults are required in a classroom at all times at Head Start and the second staffer must have a two-year AA degree in early childhood education.
- 04:05:06 Sen. Lewis and Ms. Smillie discussed page 6 of the Montana Budget and Policy Center's report about projected enrollments and putting a plan B

- 04:07:06 together for the upcoming 2014 Legislative session. **(Exhibit 5)**  
 Sen. Windy Boy, Dr. O'Brien and Ms. Smillie discussed a concern he had about establishing a safeguard for money to be used solely for pre-k programs. The Governor's office indicated that the block grant funds are targeted to the pre-K programs only.
- 04:09:59 Rep. Salomon and Ms. Smillie discussed actual enrollment numbers, enrollment counts and properly accounting for the money in the event enrollments changed.
- 04:11:37 Rep. Hansen asked about when, how, and where the funding details of the plan or program will appear.
- 04:12:29 Ms. Smillie answered that they will continue to dialogue about how best to introduce the proposal.
- 04:13:19 Dr. O'Brien stated that they are building on policy development and are here to give a current update on the Governor's intentions.
- 04:13:49 Sen. Rosendale and Ms. Smillie discussed the funding allocated for the block grant program; \$3,000 for one student or \$30,000 for ten students, and the teacher required to staff the position.
- 04:16:15 Sen. Facey recessed the meeting for a break at 12:20 p.m.

### **Break**

- 04:35:24 Sen. Facey reconvened the meeting at 12:39 p.m.

## **INCIDENT MANAGEMENT ISSUE AND OPTIONS**

### **LCIMT1**

- 04:36:12 Leanne Kurtz, Research Analyst, LSD, provided an overview of LCIMT1. **(Exhibit 6)**
- 04:41:51 Sen. Facey

### **Public comment**

- 04:42:07 **Patrick Lonegan**, Captain, Bozeman Fire Department, said that LCIMT1 is a good approach to help minimize incidents and keep them from becoming larger than they need to be and it helps close the gap that currently exists in state law.
- 04:43:54 **Bonnie Lovelace**, co-chair of the Montana State Emergency Response Commission said she was available for questions.

### **Questions from the committee/discussion**

- 04:44:26 Rep. Salomon asked how the funding would continue for the project.
- 04:44:51 Sen. Facey said the money was in the general fund for ten incidents per year at \$10,000 each.
- 04:45:08 Ms. Kurtz referred to Section 2, subsection (3) at the bottom of page 4 of the bill.
- 04:45:49 Rep. Salomon asked what the duration of the bill's funding was and how it

- will be allocated.
- 04:46:31 Sen. Facey said we are giving the Governor the spending authority for these incidents from the general fund.
- 04:47:19 Rep. Salomon and Sen. Facey discussed how long the bill would be funded for.
- 04:47:40 Ms. Kurtz said it was not to exceed \$100,000 for incidents in a biennium.
- 04:47:52 Sen. Facey and Rep. Salomon discussed examples such as the Yellowstone pipeline rupture and the financial consequences of delaying action.
- 04:48:52 Rep. Hansen and Ms. Lovelace, discussed organized teamwork and how to prevent larger incidents from becoming disasters, as well as who pays for the service.
- 04:54:27 Sen. Windy Boy and Ms. Kurtz discussed LCIMT1, Section 2 subsection (3) on page 5 that strikes previous language and allows funding for incidents for tribal governments.

**Committee decision on whether to request bill or make other recommendation to the 2015 Legislature**

- 04:56:39 Rep. Salomon moved that committee recommend LCIMT1 as a committee bill.
- 04:56:42 Ms. Kurtz referred to a letter in support of LCIMT1 from the Association of counties. [\(Exhibit 7\)](#)
- 04:57:02 Sen. Facey called for a voice vote and the motion passed unanimously.
- 04:57:13 Sen. Windy Boy said he would carry the bill.

**OFFICE OF PUBLIC INSTRUCTION REPORTS AND UPDATES**

- 04:57:46 Madalyn Quinlan, Chief of Staff, OPI, introduced two reports for presentation before the committee and two presenters.

**At-Risk Student Report**

- 04:59:08 Scott Furois, Measurement and Accountability Division, (OPI), gave a slide presentation on the "At-Risk Student Report" and talked about the payments made to the school districts and the status of standardized test scores, graduation rates and dropout rates of the students who are at-risk. [\(Exhibit 8\)](#)
- 05:07:40 Ms. Quinlan, added that the at-risk payment that goes into the school district general fund budget is approximately 5 million a year.

**Questions from the committee/discussion**

- 05:08:39 Sen. Rosendale asked how much additional funding gets distributed to Title 1 schools as opposed to non-Title 1 schools and is there any matching funds that are required.
- 05:09:11 Ms. Quinlan answered that the State receives roughly 38 million in Title 1

- money and there is no matching requirement.
- 05:10:40 Sen. Rosendale asked for a summary or additional criteria that the school districts have to meet to qualify for the funds.
- 05:11:05 Ms. Quinlan said there is a basic application that the schools have to complete.
- 05:11:23 Sen. Rosendale asked her to summarize so he understands the general requirements.
- 05:11:39 Sen. Facey asked if Title 1 money could be considered as a pass-through of federal money.
- 05:11:58 Ms. Quinlan said that is generally true.
- 05:12:16 Sen. Windy Boy and Ms. Quinlan discussed allocation of Title 1 funds that are based on the American Community Population survey.
- 05:13:53 Sen. Facey clarified Sen. Windy Boy's question as to the report not showing some of the schools in his district.
- 05:13:57 Ms. Quinlan pointed out that the chart was sorted out in order of legal entity and is in county order but there has been some changes over the years in legal entity.
- 05:14:24 Sen. Windy Boy and Ms. Quinlan discussed pass through and administrative fees that the State takes.
- 05:15:17 Sen. Facey addressed Title 1 programs and local control.
- 05:15:51 Sen. Rosendale conveyed his concerns related to the cost to the state for using the federal funds and if it would be cheaper for the State to provide the funds.
- 05:16:49 Sen. Facey

#### **American Indian Achievement Data Report**

- 05:17:12 Eric Meredith, Data Analyst, OPI, gave a slide presentation of the American Indian Student Achievement Data Report. [\(Exhibit 9\)](#)
- 05:20:25 Sen. Rosendale and Mr. Meredith discussed the dip in CRT reading proficiency rates.
- 05:20:59 Mr. Meredith continued his presentation.

#### **Questions from the committee/discussion**

- 05:27:35 Sen. Windy Boy talked about suspensions in his district and the possibility of collaborating with different agencies to address a host of social issues including domestic violence, alcohol and drugs that are the root causes of the suspensions.
- 05:29:29 Ms. Quinlan said that OPI received some funding from the last Legislature to work on school-based mental health and they have a project in the works with the Fort Belknap Reservation and other areas around the state.
- 05:30:39 Sen. Facey

#### **Other topics**

05:30:57 Ms. Quinlan talked about new videos that Sen. Rosendale had inquired about relating to Common Core and prepared by OPI. She showed the first video and described the excitement among Montana teachers with the implementation of Common Core. She explained that there has been minimal cost to making the videos. They can be viewed at:  
<http://www.youtube.com/watch?v=fSkCe-fBL1A>.

#### **Questions from the committee/discussion**

05:36:53 Sen. Rosendale and Ms. Quinlan discussed how OPI has absorbed the cost of making these videos and not gone outside their existing budget. Sen. Rosendale expressed concern that the scores he is seeing do not match up with the claims that Common Core is increasing student tests scores.

05:37:42 Ms. Quinlan pointed out that the CRT scores reflect data prior to implementation of Common Core.

05:38:23 Sen. Rosendale and Ms. Quinlan discussed comparing the test scores.

05:38:46 Rep. Woods said that he is not necessarily excited about Common Core but he understands what has gone into it and he is willing to give it a chance.

05:39:43 Sen. Facey asked for public comment.

#### **Public Comment**

05:39:54 Debra Lamm said she had heard from some parents in Bozeman who were very concerned by Common Core and they were not aware that the video was going to be shown and they considered it a propaganda video. They said they were not informed about the showing of the video at this meeting. She talked about how the Common Core math program being taught in the younger grades is problematic and she concurred with Rep. Woods's previous statement.

05:42:20 Rep. Woods, clarified his earlier statement saying he did not say that the way his son was being taught math was inappropriate but instead said it was different from the way he had learned it. He said that he wanted to give it a chance because he understood the pedagogy behind it but that we all fear change and having to deal with something new.

### **REVIEW OF SCHOOL FUNDING STUDY BILL DRAFT**

#### **LC309 (versions a, b, c, and d)**

05:43:19 Sen. Facey quoted 20-9-309 (5) from the code book.

05:44:51 Rep. Hansen asked Mr. McCracken to start with LC309d.

05:44:32 Mr. McCracken reviewed and explained LC309 a-d (**Exhibit 10**)

05:52:31 Sen. Facey

05:52:37 Rep. Hansen talked about her motivation for LC309d and how it

establishes the commission, funding and a robust membership.

05:54:59 Sen. Rosendale asked who established funding for the committee.

05:55:23 Rep. Hansen said it models EQC's and there is a pretty good idea of what the funding would look like.

05:56:59 Sen. Rosendale

05:57:04 Sen. Facey voiced his concerns about meeting for a week.

05:57:35 Rep. Hansen said that would be determined by the committee and not written into the bill. She left at 2:02 p.m.

05:58:38 Rep. Woods said that he liked idea of meeting every ten years and looking at where we are and where we want to go from a school funding formula standpoint. He voiced some concern about the committee makeup.

05:59:34 Sen. Moore said that it's a ten-year committee that looks at the largest single part of the budget and more members working on the same problems will give a bigger bang for the buck even if it does cost more for the committee.

06:00:43 Sen. Facey and Mr. McCracken, discussed the bare bones example in LC309b, and the committee duties in LC309d, found in Section 1 subsection (1)

06:02:24 Rep. Woods mentioned that in LC309d he didn't see where OPI or BPE is a part of committee.

06:02:54 Mr. McCracken clarified that in version d OPI and BPE are not formal members of the commission.

06:03:02 Rep. Woods said he didn't think this was a good idea and thought these agencies should be at the table as well.

06:03:28 Rep. Price questioned the insertion of "members of the public" in place of OPI and BPE. She said she couldn't support it.

06:04:04 Rep. Jones said the committee can still call on OPI and BPE at any point for information and they will still be very involved even though they don't have a seat at the table.

06:04:42 Sen. Facey said the parents would be involved in versions a, b and c and he questioned why we have four special parents seated at the table in version d and exclude OPI and BPE from a seat at the table.

06:05:30 Sen. Rosendale said he believes that the general public is in the same position with OPI and BPE.

06:06:47 Sen. Moore questioned whether the committee would be able to agree on a bill given the limited time left in the meeting.

06:07:08 Sen. Facey agreed and suggested the bill be taken up in the next session by whoever cared to carry it.

06:07:37 Sen. Rosendale.

06:07:52 Sen. Facey

**Public comment**

There was none.

**Questions from the committee/discussion**

06:08:48 Sen. Rosendale  
06:08:55 Sen. Facey

**COMMITTEE REVIEW OF FINAL REPORT OUTLINE**

06:09:44 Mr. McCracken gave a review of the Interim Final Report Outline; general statutory duties, education topics, local government topics, and the HJR 2 study of electronic records. An additional item includes the committee resolution, moved by Sen. Rosendale, opposing the Chapter 63 accreditation standards. (Rep. Woods left the meeting at 2:13 p.m.)  
**(Exhibit 11)**

**Questions from the committee/discussion/instructions to staff**

06:13:42 Sen. Facey  
06:14:10 Mr. McCracken  
06:14:21 Sen. Facey asked for public comment.

**PUBLIC COMMENT AND COMMITTEE DISCUSSION OF ANY  
ADDITIONAL/EMERGING ISSUES WITHIN ELG'S JURISDICTION**

There was none

06:14:26 Mr. McCracken reminded the committee to fill out the interim committee evaluations forms before they left.  
06:15:07 Sen. Rosendale thanked all the staff.  
06:15:31 Sen. Facey thanked the staff and recognized Sen. Lewis for his service. He adjourned the meeting.

**Meeting Adjourned** at 2:20 p.m.

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