



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
DAWN FIELD, Secretary

MINUTES LOG

September 24, 2013 - Day 2
Room 137, State Capitol, Helena Montana

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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

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
REP. KRISTIN HANSEN
REP. EDITH (EDIE) MCCLAFFERTY
REP. JEAN PRICE
REP. DANIEL SALOMON
REP. TOM WOODS

COMMITTEE MEMBERS EXCUSED

SEN. FREDERICK (ERIC) MOORE
SEN. MATTHEW ROSENDALE
SEN. SHARON STEWART-PEREGOY
SEN. JONATHAN WINDY BOY

STAFF PRESENT

PAD MCCRACKEN, Lead Staff
LAURA SANKEY, Staff Attorney
DAWN FIELD, Secretary

AGENDA & VISITORS' LIST

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

COMMITTEE ACTION

The Education and Local Government Interim Committee did not take executive action on any agenda item at this meeting.

CALL TO ORDER AND ROLL CALL

00:00:30 SEN. FACEY called the Education and Local Government Interim Committee (ELG) back to order at 8:01 a.m. The secretary took roll, Sen. Moore, Sen. Rosendale, Sen. Stewart-Peregoy, and Sen. Windy Boy were excused ([Attachment 3](#)).

HJR 2 INVESTIGATE STATE AND LOCAL GOVERNMENT ELECTRONIC RECORDS MANAGEMENT (ERM)

• Background and overview of HJR 2

00:02:12 **Pad McCracken, Research Analyst, Legislative Services Division (LSD)**, discussed the importance of managing electronic records effectively.

00:05:02 Mr. McCracken reviewed a background report ([EXHIBIT 1](#)) on the origin of the HJR 2 study on electronic records management (ERM).

• Review of current law regarding ERM

00:07:32 **Laura Sankey, Staff Attorney, LSD**, discussed a one-page summary of current laws regarding ERM ([EXHIBIT 2](#)). She also provided copies of Title 2, chapter 6, Public Records Management, as a reference document ([EXHIBIT 3](#)).

• Committee Questions

00:27:59 There were no committee questions.

• ERM from 30,000 feet

00:29:44 **Patti Borsberry, Secretary of State's Office (SOS)**, presented a Powerpoint presentation on electronic records management ([EXHIBIT 4](#)). Ms. Borsberry's discussion point included:

- the requirements and objectives of the HJR 2 study;
- previous efforts to address electronic records management;
- definitions of "electronic records management";
- a diagram illustrating types of records to be considered in the archiving process and categorizing for archiving purposes;
- electronic records workflow that results either in archiving or disposal of the record;
- roles and responsibilities of state agencies in records management, preservation and technology standards;
- elements for electronic records management;
- rationale points for electronic records management; and
- strategies for electronic records management.

• Committee Questions

00:44:46 SEN. LEWIS asked if there are specific suggestions on what needs to be done to make ERM work. Ms. Borsberry said if the current technologies must be directed

more towards content management and include compliance and performance-based components.

00:46:13 **Jodie Foley, State Archivist, Montana State Historical Society (MSHS)**, added that a repository for permanent records that would allow for long-term preservation is needed and that such a system would integrate into an overall content management system.

00:46:42 **Tammy Lavigne, State Information Technology Services Division (SITSD), Department of Administration (DOA)**, said from a technology standpoint, it is important to understand what is best practices for using an electronic system for capturing records in order to collect, access, preserve and manage those records. Ms. LaVigne said that a decision will have to be made on if one system or several will be necessary, with consideration of the costs involved. She said that the process needs to begin with the stakeholders by identifying their needs, including what is in place today, and discussed a survey to be conducted by the SITSD to collect data from agencies. She said that a request for information (RFI) would be issued to vendors to see what options are available and that the survey results would be shared with the ELG.

00:48:15 SEN. LEWIS said that it sounds like rules and regulations will be established and that the ELG may draft specific recommendations, based on what data is obtained in the survey.

00:49:22 Ms. Borsberry suggested that a work group would be an effective method of proceeding on the issue.

00:49:36 REP. HANSEN referred to page 5 of [EXHIBIT 4](#), strategies for electronic records management, and discussed the bullet points in the box. She asked about the list of model states discussed in the handout and if, while conducting the survey, research of other states' programs would be done as well. Mr. McCracken said the ELG would discuss next a proposal to establish a work group. He said a full work group has not been assembled and that he would like the committee's feedback on that.

00:53:34 SEN. FACEY asked what the term "enterprise-wide policy" means. Ms. Borsberry said that for the purposes of this study, it means inclusion of each branch of state government, local governments, and school districts.

00:54:12 SEN. FACEY said that creating policy and cost of implementation will be two of the biggest challenges in dealing with ERM. He said that it would be important to move as quickly as possible in order to have legislation prepared and cautioned that cost must be a consideration.

- **Outline of HJR 2 Work Group plan**

00:55:55 Mr. McCracken reviewed the proposed HJR 2 ERM Work Group Plan, which included a suggested list of stakeholders and a timeline for meetings and presentation of recommendations ([EXHIBIT 5](#)).

- 01:01:26 REP. HANSEN suggested adding the State Auditor's Office, the Office of Public Instruction, the Judicial Branch, and the Department of Military Affairs as members of the HJR 2 ERM Work Group.
- 01:02:56 SEN. FACEY suggested adding the Montana Association of Counties (MACo), the League of Cities and Towns, and the Montana School Boards Association as members of the HJR 2 ERM Work Group.
- 01:03:14 SEN. FACEY encouraged the panelists to continue to report to the ELG and to ask the tough questions on funding and policy. Ms. Borsberry said that the respective agencies mentioned would be considered.

- **Public Comment**

- 01:04:19 **Deborah Lamm** commented on the right of the public to participate, as provided for in Montana's Constitution; and asked that the work group consider including members of the public, taxpayers, and others who need access to information collected and stored by state agencies.
- 01:05:41 REP. HANSEN discussed the importance of agency protection of personal information. She asked if a system would provide for security of personal information. Ms. LaVigne said that element would be there. REP. HANSEN asked that security of personal information be specifically addressed in any final report or recommendations made to the ELG. Ms. LaVigne agreed.
- 01:07:16 Ms. Foley said that Mr. McCracken will keep ELG members informed of all Work Group meetings and progress, and that all meetings would be publically noticed.
- 01:07:57 SEN. LEWIS said that a major policy issue will be agency control of information "silos" and question of if there should be an information "czar". He asked that issue be discussed throughout the process. SEN. FACEY said that costs must also be a top consideration.
- 01:09:16 SEN. FACEY recessed the meeting for a short break.
- BREAK**
- 01:36:20 SEN. FACEY called the meeting back to order at 9:37 a.m.

MONTANA UNIVERSITY SYSTEM

- **Completion rates and performance funding; CCA Initiative**

- 01:36:59 **Clayton Christian, Commissioner of Higher Education, Montana University System (MUS)**, discussed three issues at the forefront of the MUS: SJR 13 (study on college completion), the addendum to the cap/performance funding, and the Governor's Address asking the MUS to participate in efforts to increase college readiness and the number of degrees awarded. Mr. Christian state that Montana's participation in the Complete College America initiative would help address these issues.
- 01:40:47 **Tyler Trevor, Associate Commissioner for Planning and Analysis, Office of the Commissioner of Higher Education (OCHE)**, reviewed the Complete College Montana initiative as part of the Complete College America national initiative. Mr.

Trevor referred to a handout, *Complete College Montana (CCM)* ([EXHIBIT 6](#)), throughout his discussion, which included:

- Governor Bullock's commitment to the initiative and the goals and objectives of the CCM;
- six essential steps identified by the Complete College America initiative;
- Complete College Montana strategies and plans; and
- the CCM state team members.

• **Committee Questions**

- 01:50:08 REP. HANSEN asked Mr. Trevor to look into the failure rate of dual enrollment classes and report back. Mr. Trevor said that issue will be addressed as a component of the CCM and that in the future, funding would be tied to success of dual enrollment in the future.
- 01:51:10 REP. HANSEN asked Mr. Trevor to also look into the issue of the who is qualified to teach dual enrollment classes. Mr. Trevor agreed.
- 01:51:48 SEN. LEWIS clarified that nationally, a very high percentage of high school graduates need remediation classes in order to enroll in college level classes but that only about 30% of Montana students need remediation, which is lower but still of concern to him. Mr. Trevor said what is most discouraging is that students who require remediation classes rarely complete a college degree.
- 01:56:45 REP. HANSEN discussed, regarding outcome metrics and performance measures, Northern Montana College's elimination of programs with very low student enrollment. She asked what progress has on that been made on that issue. Mr. Trevor said that is a campus based strategy and a direct effect of performance based funding. He said that programs can be evaluated on a campus-by-campus and department-by-department basis to deal with low performing or low enrollment classes.
- 01:58:47 Mr. Christian added that performance based funding will help steer the issue and that there is nothing wrong with aligning state resources with state needs.
- 02:00:29 REP. MCCLAFFERTY asked about the members of the Board of Regents Task Force and the seven recommendations made by the Task Force. Mr. Trevor asked John Cech, as leader of the Task Force, to respond to the question.
- 02:01:20 **John Cech, Deputy Commissioner for 2-Year Education, Board of Regents (BOR) Task Force**, reviewed the purpose, goals, and membership of the BOR Task Force. He discussed the seven recommendations formulated by the Task Force as presented to the Board of Regents in May 2013:
- partner with OPI to create a college readiness communication platform;
 - creating a common assessment and placement system in the state;
 - create a common MUS placement system using multiple measures;
 - create separate developmental education gateway councils for math, reading, and writing;
 - consistency of instructional status;
 - create requirement for tracking of students enrolled in developmental education courses; and

- create a policy for timely developmental education completion.

- 02:07:44 Dr. Cech said that the Commissioner created an overall developmental education council, of which he is co-chair, and that it is charged with implementing the recommendations and BOR policy by May 2014.
- 02:08:10 Dr. Cech said that all of the recommendations are important and focus on developmental education from a holistic approach. He explained further.
- 02:10:12 REP. HANSEN asked how to handle a student who has successfully completed all course requirements with the exception of a college level math class, for instance. She asked if that math class is really necessary for that student if all other course requirements have been met successfully. Dr. Cech said that business and industry council members have communicated to the BOR that the skills they desire most are mathematics, writing, and communication skills.
- 02:11:30 Mr. Christian said that REP. HANSEN's question is a good one and that there is a national debate on the issue. He said it is important to match outcomes with industry and accreditation demands but that there should be a discussion on what elements are truly necessary in a degree program.
- 02:12:46 REP. HANSEN said that she was glad that those conversations have started and she encouraged the conversations to include for instance, what is the definition of a four-year degree, the issue of student debt, the value of student placement tests, the value of general education classes, and more. Mr. Christian said those were valuable questions and would be explored.
- 02:17:27 REP. WOODS stated that for the record, he fully supports keeping math as a basic requirement. He discussed his position on performance based funding, saying that he supports it use but that the term "performance" must be clearly defined and that he is hesitant to use graduation rates as an indicator of performance. He discussed his concerns about using graduation rates as an indicator of performance further. Mr. Christian responded to REP. WOODS concerns and assured him that the BOR has no interest in dampening the quality of education in Montana.
- 02:21:36 REP. WOODS and REP. HANSEN continued to discuss their concerns related to performance based funding and graduation rates. Mr. Trevor said that there are no plans to tie performance based funding to graduation rates. He discussed the statewide goals for increasing degree completions and mechanisms to move students along. He said that graduation rates are an important metric but not the sole measure of importance.
- 02:25:30 Mr. Trevor discussed the importance of faculty and their role as the keepers of quality, developing student outcomes, performance... through assessment. needs to be done at this level.
- 02:26:37 Mr. Christian said that the concerns expressed by REP. WOODS and REP. HANSEN are very important and will be discussed accordingly. He agreed that student effort is important but that is also important to make sure that students have a realistic view of where they are going and how they are going to achieve their

goals. He said it is important to be honest with students when their chance of success is very low and that there are lots of resources available to help a student make the right choices.

02:28:57 REP. HANSEN discussed the importance of maintaining a degree of flexibility, such as allowing students to enroll in a course just because they are interested in a particular subject and would like a general overview of that subject.

02:33:53 SEN. FACEY commented that students sometimes make choices that hinder completion of their diplomas and that the university system should not be blamed for poor personal choices.

02:35:12 SEN. FACEY asked for additional discussion of UM Western's block scheduling. Mr. Trevor explained the block schedule format and the high rate success of UM-Western students using that format. He said the biggest advantage is that a student concentrates on just one class at a time.

02:36:53 SEN. FACEY discussed his concerns about having enough funding for a performance based funding model and that there may be a need for additional funding.

02:37:32 SEN. FACEY asked if one or multiple assessment tools are used to determine if a student needs developmental education classes. Mr. Trevor said that it depends on the institution and explained further. SEN. FACEY asked if there is a conditional admittance for students who don't score well on college entrance testing. Mr. Trevor said there is and explained further.

02:39:09 SEN. FACEY thought the dual enrollment language needs to be tweaked in order to make it more universal rather than specific. He said that it took a while for dual enrollment to catch on but that it finally has.

02:40:07 REP. HANSEN discussed public comment made at the previous day's meeting regarding the impact of Common Core Standards on home schooled students and their access to the university system. She asked that those concerns be looked into. Mr. Christian said he would do so.

02:41:22 REP. JONES asked if there is a minimum GPA required for admittance to MUS schools. Mr. Christian said there is and explained further.

02:42:36 REP. JONES asked what solutions are available for the remediation issue. Mr. Trevor said he compared solutions for the remediation issue. Mr. Trevor said he arrived at his numbers after he compared students who went through remediation and compared their graduation rate to students who did not go through remediation. He said that remediation does work for a small number of students but explained how remediation classes slow up a student in completion of their required classes. He discussed programs that are working in other states.

02:45:16 REP. WOODS discussed the importance of research as a part of university performance. He said there is a need to look at what is being done in terms of research and what could be done to improve research programs and opportunities.

Mr. Christian agreed that research is a huge and important part of what universities do. He discussed how research will have a much larger role in the future and that through performance based funding, institutions will be rewarded for their efforts.

02:49:09 REP. WOODS suggested that a certain percentage of new hires should be above the assistant professor level. He discussed performance funding measuring incentives and said what can't be measured won't be improved. Mr. Christian said other avenues, such as serving minority populations, could also be used as a measuring tool for performance funding.

02:50:22 Mr. Trevor agreed that research is a very important component. He discussed how research will be incorporated into the performance based funding model using a steering committee that will form subgroups to look specifically at metrics that will relate to each institution and that institution's mission.

02:51:29 REP. SALOMON asked if the process is also looking at new or "out of the box" approaches to accommodate changing needs and to ensure that students complete their degree. Mr. Trevor said that each campus has done that on their own to some extent but that the CCA Initiative will identify cutting edge best practices intended to help shrink the amount of time it takes to get a degree, decrease student debt, and more. He predicted that as performance funding progresses, more focus will be on new and different strategies.

02:55:22 REP. JONES asked Dr. Cech to discuss his work with two-year colleges to address industry demands for a skilled labor force. Dr. Cech reviewed the creation of his position and the mission of the two-year programs. He discussed details about a U.S. Department of Labor \$25 million grant to be shared among thirteen two-colleges, of which Montana was a recipient, and how the grant funds will be used for workforce development. Dr. Cech also responded to the previous question regarding different teaching and learning methods in order to maximize students' progress and completion rates.

03:01:34 SEN. FACEY recessed the ELG for a short recess.

BREAK

03:13:51 SEN. FACEY called the meeting back to order at 11:15 a.m.

- **Teacher Preparation Overview**

03:15:23 **Dr. Jayne Downey, Associate Dean of the College of Education, Health & Human Development, Montana State University (MSU),** gave a brief overview of what is happening in teacher preparation programs at MSU and University of Montana (UM), pointing out that the graduates are of the highest quality. She said that they have very high grade point averages, score very well on the national teacher exams, and that there is a high demand for Montana teachers.

03:17:47 Dr. Downey discussed the strengths of Montana teacher training programs and noted that students get over 800 hours of hands-on supervised experience working with children and their families to practice and strengthen their skills. She said this helps prepare them to be effective teachers and problem solvers. Dr. Downey discussed MSU and UM graduate statistics for the 2012-13 academic year ([EXHIBIT 7](#)).

- 03:22:24 **Dr. Lynda Ransdell, Dean of the College of Education, Health & Human Development, MSU**, discussed the work being done with teacher preparation programs to ensure integration of the Common Core Standards. She noted a number of significant areas of overlap and discussed specifics of the integration effort.
- 03:26:21 REP. MCCLAFFERTY asked about special education endorsements in the graduation statistics ([EXHIBIT 7](#)). Dr. Downey said that a K-8 license is necessary to get a special education endorsement and that the special ed endorsement program resides at MSU-Billings.
- 03:27:19 **Dr. Roberta Evans, Dean of Phyllis J. Washington College of Education & Human Sciences, University of Montana**, addressed alignment opportunities in curriculum and assessment as students transition from one level of education to another. She said that any educational initiative that the state undertakes has immediate implications for professional development in school districts and teacher preparation programs.
- 03:29:20 REP. HANSEN asked Dr. Ransdell to clarify a discussion point in which she used the term, "values based". Dr. Ransdell discussed a recent survey of employers as to what they are looking for in college graduates. She said that one thing that was mentioned was the ability to ask values framed questions that facilitate ethically and socially responsible solutions.
- 03:30:14 SEN. FACEY asked if it is difficult to recruit candidates into the teacher education programs. Dr. Evans said there is a tremendous interest in the profession of education. She said there are large pools of admissions and good scholarships. She explained further. Dr. Ransdell explained the dual enrollment program at Bozeman High School and a course in the MSU Honors College that have sparked interest in enrolling in the teacher prep program at MSU.
- 03:32:33 SEN. FACEY asked about national board certification requirements. Dr. Evans said that teaching experience is required in order to become nationally board certified but that both campuses have experienced teachers to assist students if they are interested in pursuing national certification.
- 03:33:48 SEN. FACEY asked what type of best practices are embedded in Montana programs for the different subject areas. Dr. Evans discussed faculty participation in specialized subject areas as one example.
- 03:34:50 REP. HANSEN asked about certification requirements and when that issue would be addressed. Mr. McCracken said that will be discussed at the next meeting with the BPE but questions and concerns could be discussed at this meeting as well.
- 03:35:29 REP. HANSEN stated that certification is currently in the hands of the BPE and asked the panelists to explain how the universities work with the BPE on certification. She asked if the Board of Regents and the BPE need to work more closely together on education issues.

- 03:38:45 Dr. Downey said that a very unusual relationship exists among the governing bodies in Montana and that teacher educators in other states deal with much more adversarial relationships. She discussed several examples.
- 03:40:59 Dr. Downey, in response to REP. HANSEN's question about alternative certification, said that MSU offers an outstanding certification program called *Northern Plains Transitional Teaching Program*. She explained the requirements of the program and how it works with students.
- 03:42:12 Dr. Evans said the system works very smoothly and that the transfer of information moves seamlessly from the universities to OPI.
- 03:42:41 Dr. Ransdell said, regarding teacher retention efforts, that MSU has reexamined the sequence of courses that freshman are required to take. She said that as a result of the changes made, retention rates increased to 75%.
- 03:43:47 SEN. FACEY offered an anecdotal example of a 50-year old petroleum engineer who wished to teach. He asked if the *Northern Plains Transitional Teaching Program* would allow him to teach. Dr. Downey explained how the program would allow the man to teach in a regular classroom, under a mentor, while working on becoming a fully licensed teacher in two years.
- 03:45:10 SEN. FACEY asked if the person would be an employee of a school district during that time. Dr. Evans said they usually are, sometimes at a reduced salary. She explained further.
- 03:45:41 REP. HANSEN asked what completion rate is for the *Northern Plains Transitional Teaching Program*. Dr. Downey said it has a very high success rate.

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

- 03:46:56 **Tim Ravndal, Townsend, Broadwater County**, reviewed issues discussed at the previous day's meeting and how to tie them into the topics discussed at this meeting. Topics included:
- continuing concerns about Common Core Standards;
 - privacy concerns as part of the data and records retention issue;
 - the fiscal impacts of Common Core and SB 175; and
 - the need for taxpayers to be included as "stakeholders" in state and local governmental proceedings.

INSTRUCTIONS TO STAFF

- 03:53:35 SEN. FACEY asked to pursue the questions listed on the page 6 of the K-12 School Accreditation Standards staff report, as discussed at the previous day's meeting ([EXHIBIT 7, September 23 meeting](#)). He said that REP. HANSEN has asked to discuss the different types of exit exams available around the country.
- 03:56:20 REP. PRICE referred to the ELG Work Plan (discussed as [EXHIBIT 2](#) at previous day's meeting) and asked about the status of the Interstate Compact Educational Opportunity for Military Children. Mr. McCracken said the ELG would receive the required reports at the June 2014 meeting.

03:58:19 REP. HANSEN said she would like to discuss the effects of SB 175, particularly regarding where the money is going and how it is being used. She said she would like a detailed fiscal report on how the money is being spent. SEN. FACEY thought that the schools have a great deal of latitude on how the money can be spent and may not be required to track how the money is spent. REP. HANSEN said if that is the case, she would like to know.

04:02:08 REP. HANSEN asked to discuss changing the December meeting date from a meeting of the full ELG to a working group on the shared policy goals issue. She said that four committee members and stakeholders could meet in place of the full committee.

Mr. McCracken asked REP. HANSEN to clarify her request for information on the fiscal impact of SB 175. After discussion, it was agreed that Mr. McCracken would add a SB 175 fiscal report to the agenda and to the ELG Work Plan.

04:05:59 Regarding the shared policy goals, Mr. McCracken offered three options for consideration: form a subcommittee, have staff with involved entities and report back to the ELG, or invite involved entities to appear before the ELG. REP. HANSEN and REP. MCCLAFFERTY discussed their perspectives on how best to deal with this issue. SEN. FACEY said that he would like to look at the ELG budget before authorizing any work groups or subcommittee work.

ADJOURN

04:12:28 With no further business before the committee, SEN. FACEY adjourned the meeting at 12:13 p.m. The Education and Local Government Interim Committee's next meeting is scheduled for December 2, 2013, in Helena.

CI0140 4094dfxa.

