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HB

Testimony

To: House Select Education Funding Committee

By: Kirk Miller - Chairman, Montana Board of Public Education

Date: January 14, 2005

Representative Lindeen and Members of the Committee.

For the record, my name is Kirk Miller and I am Chairman of the Montana Board of Public Education, Superintendent of the Havre Public School System, and most importantly the father of 3 Montana public school students. I speak today representing my colleagues on the Board, educators across our state, and for the children we are charged with providing the opportunity of a bright future. Thank you for this invitation to present information regarding the role of the Board of Public Education in the discussions of contemporary challenges facing this legislature regarding education.

As you are probably aware, the Montana Constitution grants the Board of Public Education the power to exercise general supervision over the public school system. The powers and duties of the Board are quite comprehensive and include the adopting of standards of accreditation and the establishment of the accreditation status of every school in Montana. Additionally, the Board, by rule, establishes all of the certification standards for educators, the performance standards for the schools of education, and the oversight of the distribution of the base aid to name a few. Because, as the first judicial district decision of *Helena Elementary v. State* concludes that the Montana school accreditation standards are minimum standards upon which a quality education must be built, I will restrict my remarks to the Board's involvement with setting the standards.

Montana Public School Renewal Commission

HB 736 of the 58th Legislative Session created the Montana K-12 Public School Renewal Commission, which was initiated by a position paper that the Board of Public Education wrote during the latter part of 2003. I had the honor to co-chair this discussion, which resulted in 17 meetings over a period of 15 months involving the input of 28 Montanans from diverse backgrounds. At the beginning of the first meeting I placed the entire school accreditation standards on the table and invited the body to discuss, suggest, recommend, and otherwise completely analyze our current standards, with a purpose of letting the Board know how they should be amended. I am pleased to tell you that, not only were the accreditation standards unanimously applauded as the integral component of a basic quality system, but the Commission agreed to make as its first recommendation, the statement that the Montana accreditation standards are the foundation upon which a Montana quality education should be built.

Montana Accreditation Standards

- Rules responsible for establishing and maintaining the basic level of education for public schools in Montana. These rules, called the Accreditation Standards are codified in Chapters 54, 55, 56, 57, 58 of the Administrative Rules of Montana.
- The current standards were reviewed and revised in 1999-2000 by the Montana Accreditation Task Force (a group of 20+ stakeholders and community representatives from throughout Montana). Line by line consideration of the previous standards resulted in changes recommended after careful, deliberate discussion.
- The Board of Public Education adhered to a comprehensive public hearing process and finally adopted the changes to the Accreditation Standards in 2001.
- Chapter 55 ARM includes the General Accreditation Standards. Those provisions include 5YCEP, definitions, variance to standards, categories of accreditation, performance based accreditation, school improvement plans, school leadership, requirements and duties of educators, class size requirements, professional development, educational opportunity, climate, equity, access, gifted and talented, and special education. Academic requirements to include definition of the basic education plan for elementary, middle grades and high school, graduation requirements, distant learning, and school facilities. Program area standards to include cross content and thinking skills, program foundation standards, and program delivery standards.
- Chapter 54 ARM includes Content and Performance Standards. These were revised in 2001 after a four-year review process (involving hundreds of Montana educators and constituent groups). They built a common set of standards for all Montana students. These standards are to be used by school districts to develop a local curriculum and assessment in all content areas. Chapter 54 defines the general knowledge of what all students should know, understand, and be able to do in each subject area. It sets specific expectations for student learning at three benchmarks (grade 4, 8 and upon graduation) along the K-12 continuum. The performance standards describe student expectations of performance at each of the benchmarks at four performance levels (Advanced, proficient, nearing proficiency, and novice). The content standards, benchmarks and corresponding performance levels provide teachers, parents, students and the public with a clear understanding of what students are expected to learn and how well they are able to apply their learning. The purpose of the Montana Standards Framework is to improve student learning for all. The Montana Standards Framework was built by Montanans for Montana's children while incorporating the best research available at all levels (local, state, national and global standards). We characterize our standards as defining the road ditches and appropriately assign the responsibility of where a given school is on that road, to the Boards of Trustees who, Constitutionally, are charged with local supervision and control of our community schools.
- Chapter 56 ARM. Student Assessment includes rules for state level assessment in public schools and those private schools seeking accreditation. These rules will be dramatically affected by the Federal No Child Left Behind Act.

- Chapter 57 ARM. These rules regarding licensure are designed to affect an orderly and uniform system of teacher and specialist certification. These standards were revised in 2002 following a two-year review process by a Chapter 57 Task Force. This task force was made up of educators across the state.
- Chapter 58 ARM. This chapter includes the Professional Educator Preparation Program standards for the approval/accreditation of educator preparation units of the Montana University System. These rules were first established in 1979 and the Board has revised and amended the standards in 1984, 1989, 1994, 2000, and are currently poised to review them for revision in 2005.

Administrative Rule Making Process

The review and revision of all of these chapters of standards is a deliberative and thorough process that happens on a five-year cycle. The process for revision to rule utilizes MAPA (Montana Administrative Procedures Act). BPE rules are also reviewed by the Interim Committee on Education and Local Government. Inherent in this process is the requirement of public notice and participation to allow Montana citizens input into the regulations that affect our schools. The guiding principles of the process include quality, equity, diversity and currency with nationally recognized standards.

Legal Decisions Affecting the Legislature in Regard to the Board of Public Education:

The two major decisions with this body has to consider as it proceeds with its work on equity, adequacy and quality include:

- 1989 Equity Lawsuit Case. Appealed to the state Supreme Court. One of the findings determined that "the Montana School Accreditation Standards are minimum standards only, and do not provide the basis for defining quality education."
- 1992 Sherlock Decision. Resulted from a legislative challenge to the Board's rule making authority. Opinion delivered by the court was in favor of the Board's inviolate constitutional rule-making authority.

BPE Contemporary Efforts in Standards Development and Implementation

- BPE administrative rules regarding certification standards (Chapters 57 and 58) specific to the NCLB definition of Highly Qualified Teacher are dramatically impacted.
- Our administrative rules regarding assessment standards (Chapter 56) are impacted by NCLB testing requirements.
- Distance Learning rules were defined with input from the field in 2001 by the Accreditation Standards Review Task Force and then further reviewed in an ongoing manner since in an effort to establish a framework to allow MT Schools flexibility in delivering quality programs to students.
- Currently looking at standards to address the accreditation needs of special purpose schools who seek accreditation. (Treatment facilities, youth probation facilities, therapeutic boarding schools, etc.)

- Revision of Chapter 57 Rules created more flexibility with the intent of meeting the need to recruit and retain high quality professional educators while maintaining high standards.
- Even today (at the BPE table) a request was considered to adopt a position statement of the Board related to the Child Nutrition Act (P.L. 108-265) which requires that all schools in the U.S. receiving federal funds for school nutrition (school lunch and breakfast programs – involving 85% of Montana's schools) must adopt a wellness policy by 2006-07. The federal impact of this request is $22-$24 million dollars annually for the nutrition needs of Montana's school children.
- As you can see the BPE serves the role of reviewing and deliberating on educational items that have import on our schools on a regular basis. The Board and staff commit their expertise and time to assuring Montana's children are provided the opportunities they deserve. We believe this is our Constitutional charge.

In conclusion, and on behalf of the Board of Public Education, I submit to you our commitment to be a partner with the Legislature in completing the task assigned to you by the courts. More importantly, we believe strongly in the Constitutional charge defined in Article X, Section 9 which created the BPE to … *"3(a)...exercise general supervision over the public schools system and such other educational institutions as assigned by law."* Inherent in the general supervision clause is the responsibility of the Board of Public Education to provide leadership and direction to the goal of the people established in Article X, Section 1 …*"(1) It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state."* Further, this Constitutional language addresses the legislative responsibility in … *"(3) The Legislature shall provide a basic system of free quality public elementary and secondary schools."*

Along with the responsibility of local school boards to provide local supervision and control of school in each district, our charge is outlined. We fully believe that the "defining" of our system was contemplated by the framers of the constitution to fall within the purview of the appointed Board of Public Education. We offer you (the Legislature) our assistance in what we believe the court has asked you to do and that is to "determine what the system is to be, and how much it should cost." We are on record as indicating that this must be done utilizing deliberative and expert analysis. I am pleased that many educators, stakeholders, and legislators have regarded the work of the School Renewal Commission as a legitimate and appropriate start.

Finally, the Board of Public Education believes that the work ahead is of the utmost importance because in the balance lies the future of Montana's most precious resource, our children! We appreciate your effort to provide hope and opportunity to our current Montana school education teams and the students in their charge.

Thanks you for your time and I would be happy to address any questions you may have.