

BILL DRAFT
Sen. Ed Butcher, HD 29
FAX: 406-462-5598
PHONE: 406-462-5615

DEFINITION OF EDUCATION AND ITS COMPONENT PARTS /Broad title/

Title 20 introductory definitions for section

FREE PUBLIC EDUCATION: is locally controlled by an elected school board within the boundaries of a district established by a vote of the people under rules outlined in State statute and supported with supplemental funds as supplemented by the legislature from the State general fund.

I. **BASIC EDUCATION:** shall be defined as providing the opportunity for each child in Montana to achieve grade level command of: 1). basic mathematics appropriate to said grade, 2). reading fluency grade appropriate, and 3). writing proficiency appropriate for said grade level.

The responsibility shall rest with the individual student under direction of his parent or guardian to achieve basic education proficiency in each subject area. All education funds shall follow the student who shall have the option to select the school to attend. Each student shall achieve minimum subject mastery in each basic area as measured by achievement examinations testing basic subject proficiency before promotion to the next grade level for that basic subject area.

II. **EXTENDED EDUCATION:** extends beyond Basic Education includes all other academic and training areas as defined by the Board of Education and accepted by local school boards to meet local student needs.

- a. **CORE CURRICULUM:** exceeds basic education for grades seven through twelve and is included in graduation requirements suggested by the Board of Education and approved by the local school board.
- b. **ELECTIVE CURRICULUM:** is defined by school boards in consultation with parents and students to meet local needs. May be fulfilled through internet or other distance learning media.

III. **CAREER EDUCATION:** is specialized programs and curriculums selected by local school boards to meet local needs for academic and vocational training.

IV. **HUMAN DEVELOPMENT EDUCATION:** includes all areas of special education resources which is made available in "hub school systems" of over twenty-five students average per class which shall be available for students with special needs beyond Basic and Foundational education systems. Schools lacking the minimum twenty-five student average shall provide special services at the discretion of local school boards.

V. **EXTRA-CURRICULAR ACTIVITIES:** include all non-academic activities associated with and established by the local school district. This shall include, but not limited to all sanctioned student clubs, sports programs, speech and drama groups, and competitive music groups beyond elective curriculum classroom work.

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SCHOOL ADMINISTRATION: includes all non-instructional employees and shall be staffed in such manner as decided by local school boards as is necessary to operate the facility.

TEACHING STAFF: includes all instructional staff as defined by direct classroom instructional interaction with students.

QUALITY EDUCATION: requires system for maintaining desired standards which can only be measured through standardized tests (at or above appropriate national test averages) which must be subject matter specific in basic education areas.

Beginning with grade three, all students shall be given an achievement examination administered by a county superintendent in each basic area to determine grade promotion for that subject. The examinations shall be restricted to basic subject matter information and approved by the Montana school board association.

The results of the examination shall be made public by class average per teacher to provide accountability for quality instruction. This information shall be one consideration by the locally elected school board in teacher job performance evaluation.

After grade level eight all basic education requirements under the Montana Constitution shall be considered fulfilled. All education and training opportunities beyond basic education shall be defined by the locally elected school boards in consultation with specialists they select for consultation to meet additional education goals and needs of their students.

Accreditation standards suggested by the State Board of Education shall be of an advisory nature and shall not restrict any basic education funding from the state for "basic education" with all decisions made by the local elected school board.

Rep. Ed Butcher
Testimony HB 314
January 24, 2005

I am concerned that in defining “basic” education and “Quality Education System” that the legislature will create the same problem for our educators, which the state has had to address, inflicted by the national government through “no child left behind” mandates.

As I have followed the proposals and subsequent bill drafts developed and presented before this legislature in an attempt to address issues raised by the courts, there has been a rush to ideologically be all inclusive of an academically “ideal” education system.

Members of this committee, I implore you to consider that all the entire legislature needs to do is define “basic” and provide the mechanism to achieve “quality.” We must remember after five years of educational professionals arguing over the concepts that “quality” like “beauty is too often only in the “eye of the beholder.” I must remind this body that there is nothing absolute or definitive about either! I urge you not to cloud over our statutes with excessive details attempting to reach the “ideal” which will not satisfy anyone and will only invite more litigation by those whose perspective represents selfish ends. If all “beauty” were absolute many homely people would have been eliminated long ago.

In the quest to pursue this task, it is interesting to review the minutes of the Constitutional Convention delegates’ debates, which created our present situation:

---“If in the future it is required that education be equalized across the districts...this could jeopardize the quality of education.”

---The word “free” does not apply to all aspects of the educational system, but that it applies to the **basic** education which the state is mandated to fund.”

---There was extensive concern during the deliberations that the court would address “equitable” and “full funding” and the delegates emphasized “that should be left to the legislature and the legislature only, and nobody else.”

I would call to the attention of this committee and this legislative body to remember political science 101 (which I taught for years) that there is in fact a **separation of power** in our governmental structure. The true fact is that the Court has no power to order the legislative branch to perform any duty—the Court only has been given an advisory role in its relation ship with the legislature and its obligation is to evaluate if the laws passed into statute are properly followed.

---The other fundamental concept which was referred to continually in the Con Con deliberations was that “the local school board is the very basic foundation of our education program and there is no intention whatsoever to take anything away from the local school district.”

---As the Con Con delegates wrestled with a “system of quality free public schools,” they inserted the word “basic” so “that the courts would (not) come along and there would be a series of lawsuits to try and compel the legislature to provide whatever type of elementary and secondary school education someone might conceive of.” “We are saying to the legislature, ‘we have untied your hands. We want you to set up a basic elementary and secondary education.”

--The most telling statement made was the delegates’ concerns “about educational theorists coming in with every type of—shall we call it ‘screwball educational proposal’...and it was felt that “basic’ would help.”

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With these comments from the mouths of those who wrote the current state constitution before us, I would implore this committee, charged with defining Montana education, to avoid the academics attempting to outline in statute a "perfect system" and instead concentrate on a simple "basic system."

If we are going to be successful, it requires the power to define education be removed from the state level bureaucracy as well as ignoring irrelevant mandates and return the authority to create the best education system to those elected by the children's parents to educate their children—the local school board.

As this authority is returned, the best in each community will seek those offices, which currently function without local home-rule.

Now let us review HB 314 addressing the definitions of education and its components. Fundamentally, in section 1 we define the responsibility of the child's education as being the responsibility of the parent—we must remember that the state has never been a good parent!

Sec 2, line 26: Accountability for a quality education so no child is "left behind," beginning in grade 3, a standardized achievement test for basic material would be administered and the student would not be promoted to the next grade unless the student scores at or above the state average for each basic material test.

---To provide accountability, the average of the class would be made public by classroom teacher.

Page 2, Sect (5): The foundation of educational policy that leaves all educational decisions to the local elected school Board.

---Please note: all through this bill, the educational principles and programs are recommended by the office of public instruction under the supervision of the State Board of Education, but must be approved by local elected school boards.

Let us follow these concepts on Page 2---20-1-101 and review the language:

---(3) "Basic system of free quality public elementary and secondary schools" or "basic system" means a system that provides an opportunity for each child in Montana to achieve grade level command of basic mathematics, reading fluency, and writing proficiency appropriate for each grade level in grade 1 through 12,"

These "basic" fundamental tools will provide a child the foundation for life-long learning. Now we must put into statute other terms and categories for a school to offer the "ideal" "quality" education as perceived by parents and their elected trustees.

To follow the proper sequence, I would swap section (12) with section (6) because "Extended Education" is where the courses beyond "basic" would be grouped. Within "extended education" would follow new section (8) "Core curricula" which could contain history, science, literature, and etc.

The next grouping (11) is the "elected curricula" which could contain art, music, languages, sociology, economics, and a variety of other local option programs. The courses could be taken through distance learning or other accredited delivery systems.

The next category is the current (6) in the draft, which would include specialized programs, and curricula beyond basic education as determined by local boards to meet either advanced academic college-prep curricula or vocational training curricula.

Human Development Education is the broad statutory educational category which encompass' the broad range of special education needs ceded to education by default. Because of the specialists and expensive support staff required to handle and train the most severely handicapped children, there must be consideration for exceptions for

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the remote small schools. The basic number of 25 students per class is a cut-off to be able to realistically provide services for the severely handicapped kids.

Page 4—line 4: Allows schools with less than 25 students to also be exempted from maintaining a superintendent. It is critical that decision-making powers for operation of schools be embodied in local elected school boards.

See Page 5, section 3 (7): accreditation standards need to be advisory in nature and serve as a model for individual Board of Trustees to consider in determining their education program. Local control is critical for quality education programs. The further removed decision-making is from the classroom, the more irrelevant the program developed.

Page 16—section 11/Page 17—section 12: Provide children with disabilities with the best quality education and resources. If schools with less than 25 students per class do not have adequate resources for a specific handicapped child, the child would be enrolled in another larger school better equipped to meet the child's needs. The state would pay for all tuition and the parents would be responsible for transportation.

Members of the Committee—this is an example of fundamental definitions of education. We must have categories to assign educational components defining what is not “basic” education as well as what is. The more details the legislature inserts following the professional “wish list”—the more will be left out as well as providing avenues for on-going litigation. Even while attempting to avoid potential litigation, the Constitution delegates allowed irrelevant items to slip into the document and this body should not compound the problem.

