



MTSBA

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through
school board leadership."

TO: Senate Education Committee
FROM: Lance L. Melton, Executive Director
Montana School Boards Association
RE: SB 152
DATE: Thursday, January 06, 2005

SENATE EDUCATION

EXHIBIT NO. 9

DATE 1-6-05

BILL NO. SB-152 (Continued)

The Montana School Boards Association appreciates Senator Don Ryan's efforts at taking the lead on addressing the requirements of the Court opinion on adequate funding for quality education. We support the concept of Senate Bill 152, particularly with regard to the Legislature's obligation to provide a definition of a "basic system of free quality public elementary and secondary schools" under Article X of the Montana Constitution.

The determination of how to define this term will have a great impact on the children served by K-12 public education in Montana. As a result, the process deserves careful study and a deliberate process for identifying the key components necessary to promote student achievement and meet the terms of the binding court decision.

MTSBA recommends consideration of a number of important documents in the process of the Committee's determination of how Senate Bill 152 will actually look when it passes out of the Senate. Most of those documents were provided to the Committee by Jim Molloy during the opening on the SB 152 hearing, and MTSBA endorses and supports all of Jim's comments to the committee that he delivered on Wednesday January 5. First and foremost of all documents to be considered are the court opinions of Judge Sherlock and the Montana Supreme Court. While it is true that the Montana Supreme Court has not issued its full opinion, the abbreviated opinion that it has issued provides some key directives of which the Legislature must be aware. At least one key directive, the obligation to "assess education needs" is not currently addressed in Senate Bill 152. The relevant portion of the Montana Supreme Court's opinion on this issue reads as follows:

"Until such time as the legislature *assesses education needs and defines "quality,"* it is not in a position to construct a funding system rationally related to educationally-relevant factors."

The question that SB 152 does not currently ask or answer, and that the Senate Education Committee must ask and answer before crafting a new funding system is how to "assess education needs" as required by the Montana Supreme Court. The ultimate goal of SB 152 is to craft a constitutionally-sound school finance system in Montana, and this goal cannot be achieved without an assessment of education needs. The Legislature has two primary choices in

approaching this issue.

The Legislature must either prospectively study the system to determine what the education needs are in a rational, educationally-relevant manner, or it must rely upon studies already completed that do the same thing. Senator Ryan referenced in his opening comments several studies that had previously been accomplished in Montana. Among those studies, both the most contemporary and the most comprehensive is the Augenblick & Myers study paid for by MTSBA, MQEC, MREA, MEA-MFT and others in the education community. If the Legislature took the findings of the A&M study, and also found a way to address teacher pay and benefits, transportation and facilities, it would undoubtedly be able to meet the terms of its constitutional responsibilities for K-12 public education. I recognize that may not happen, but that does not change the fact that it should happen.

Another option for the Legislature in looking back for a reference to the required "assessment of education needs" is presented by the findings of the public schools renewal commission. The findings of the commission are not comprehensive enough to truly represent the kind of assessment contemplated by the Court, but it could provide a good base if the Legislature were to adopt and pursue accomplishment of those findings. The public schools renewal commission had representation of all key parties, including the legislature, the governor, the superintendent of public instruction, the board of public education, administrators, business managers, parents, business interests, and trustees. The 28 people on that commission held meetings over two years and came up with some very sound solutions. Their final report was unanimously endorsed by the Interim Education and Local Government Committee, and the Senate Education Committee could substantially improve SB 152 by incorporating those findings as part of its required "assessment of education needs." If it does so, the Committee could "fill in the remaining gaps" by incorporating the substance of MQEC's Goals in addressing school funding in the 2005 Legislative Session. Those goals are based on the following:

- A system that provides funding necessary to meet all terms of the legislature's assessment of education needs, that is cost-based, self-executing and that is adequate, equitable and stable. The system must be sufficient to provide for a system which meets contemporary needs and produces capable, well-informed citizens. It is a system in which all districts must receive adequate funding to cover the costs of operating and maintaining quality public elementary and secondary schools. This includes funding adequate to assure the following:
 - an education that meets all standards and laws that govern the operation of public schools. This includes but is not limited to the board of public education's accreditation standards, which constitute the foundation upon which a quality education is to be built;
 - an education that meets the unique needs of all children, which includes at-risk, special needs, limited English proficient, and gifted and talented students;
 - an education system in which all districts are able to attract and retain quality educators;

- an education system that satisfies the intent of article x, section 1(2) by assuring resources are appropriated to meaningfully implement Indian education for all; and
- an education system that preserves and protects the constitutional role of elected trustees in supervising and controlling schools as provided by article x, section 8 of the Montana constitution.

Again, MTSBA supports the concept of SB 152, and appreciates the efforts of Senator Ryan in being the first to put his best effort forward, knowing that such effort would become a target for others. MTSBA provides its suggestions above in the spirit of cooperation and out of a sincere belief that those suggestions will help the Legislature meet its constitutional responsibilities to the satisfaction of binding court rulings. We reiterate, however, that there are two primary responsibilities of the Legislature in meeting the requirements of even the preliminary order of the Montana Supreme Court. That is, the Legislature must (1) "assess education needs" and (2) "define quality." SB 152 as introduced seeks to define quality, but needs amendments to reference a prospective or retrospective assessment of education needs. With changes to incorporate such assessments into its definition of quality, SB 152 will be well on its way to providing an appropriate response to the Court ruling that will promote the interests of the children served by K-12 public education.

Thanks