

# Montana State Legislature

## **2013 Session**

### **Additional Documents include:**

- \* Business Report**
- \* Roll Call attendance**
- \* Standing Committee Reports,**
- \* Table Bills, Fiscal reports etc.**
- \* Roll Call Votes**
- \* Witness Statements**
- \* Informational items**
- \* Visitor Registrations**
- \* Any other Documents;**
  - ~ Petitions if any?**
  - ~ Any and all material handed in after the meeting end.**

**The original is on file at the  
Montana Historical Society and  
may be viewed there.**

**Montana Historical Society Archives  
225 N. Roberts  
Helena MT 59620-1201  
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**BUSINESS REPORT**

**MONTANA HOUSE OF REPRESENTATIVES  
63rd LEGISLATURE - REGULAR SESSION**

**HOUSE EDUCATION COMMITTEE**

**Date:** Wednesday, March 27, 2013

**Place:** Capitol

**Time:** 3:00 PM

**Room:** 137

**BILLS and RESOLUTIONS HEARD:**

HB 423 - Legislative referendum defining scope and boundaries for K-12 sex education

HB 634 - Revise K-12 district expansion laws

HB 635 - Revise education laws related to transfers of territory between districts

SB 340 - Require a U.S. flag in every school classroom

**EXECUTIVE ACTION TAKEN:**

HB 423

HB 634

HB 635

SB 340

**Comments:**



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REP. Kris Hansen, Chair

**HOUSE OF REPRESENTATIVES**  
**Roll Call**  
**EDUCATION COMMITTEE**

DATE: 3/27/2008

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/EXCUSED</u>
REP. KRISTIN HANSEN, CHAIR	X	
REP. JOANNE BLYTON, VICE CHAIR	X	
REP. EDIE MCCLAFFERTY, VICE CHAIR		X
REP. BRYCE BENNETT		X
SPEAKER BLASDEL		X
REP. CLARENA BROCKIE		X
REP. DOUGLAS COFFIN	X	
REP. EDWARD GREEF	X	
REP. DAVID HALVORSON		X
REP. GREG HERTZ	X	
REP. SARAH LASZLOFFY	X	
REP. JONATHAN MCNIVEN	X	
REP. JEAN PRICE	X	
REP. DAN SALOMON	X	
REP. CASEY SCHREINER	X	
REP. NICHOLAS SCHWADERER		X
REP. TED WASHBURN	X	
REP. FRANKE WILMER	X	



**HOUSE STANDING COMMITTEE REPORT**

**March 27, 2013**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Education** recommend that **House Bill 634** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Representative Kris Hansen, Chair*

- END -

**Committee Vote:**

**Yes 11, No 7**

Fiscal Note Required

HB0634001SC.hjk

DC B-28  
8/30



**HOUSE STANDING COMMITTEE REPORT**

**March 27, 2013**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Education** recommend that **House Bill 635** (first reading copy -- white) **do pass.**

Signed: \_\_\_\_\_

*Representative Kris Hansen, Chair*

- END -

**Committee Vote:**

**Yes 17, No 1**

Fiscal Note Required

HB0635001SC.hjk

DC 3-28  
8:30



HOUSE STANDING COMMITTEE REPORT

March 27, 2013

Page 1 of 1

Mr. Speaker:

We, your committee on **Education** recommend that **House Bill 423** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

*Representative Kris Hansen, Chair*

**And, that such amendments read:**

1. Page 2, following line 28.

**Insert:** "COORDINATION SECTION. **Section 5. Coordination instruction.** If both House Bill No. 239 and [this act] are passed and approved, then [this act] is void."

**Renumber:** subsequent sections

2. Page 3, line 10 through line 11.

**Strike:** "to requiring" on line 10 through "education." on line 11

**Insert:** "on Legislative Referendum No. \_\_\_\_"

3. Page 3, line 12 through line 13.

**Strike:** "to requiring" on line 12 through "education." on line 13

**Insert:** "on Legislative Referendum No. \_\_\_\_"

- END -

**Committee Vote:**

**Yes 11, No 7**

Fiscal Note Required

HB0423001SC:hjk

DC 3-28  
8:30



**HOUSE STANDING COMMITTEE REPORT**

**March 27, 2013**

**Page 1 of 1**

Mr. Speaker:

We, your committee on **Education** recommend that **Senate Bill 340** (third reading copy -- blue) **be concurred in.**

Signed: \_\_\_\_\_

*Representative Kris Hansen, Chair*

To be carried by Representative Ted Washburn

- END -

**Committee Vote:**

**Yes 16, No 2**

Fiscal Note Required

SB0340001SC13699.hjk

DC 12:57  
4-2

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**EDUCATION COMMITTEE**

DATE: 3/27/2013 BILL NO HB 634 MOTION NO. \_\_\_\_\_  
 MOTION: HB 634 DO PASS

<u>NAME</u>	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JOANNE BLYTON, VICE CHAIR	X		
REP. EDIE MCCLAFFERTY, VICE CHAIR		X	
REP. BRYCE BENNET		X	
SPEAKER BLASDEL	X		X
REP. CLARENA BROCKIE		X	
REP. DOUGLAS COFFIN	X		
REP. EDWARD GREEF	X		
REP. DAVID HALVORSON	X		
REP. GREG HERTZ	X		
REP. SARAH LASZLOFFY	X		
REP. JONATHAN MCNIVEN	X		
REP. JEAN PRICE		X	
REP. DAN SALOMON		X	
REP. CASEY SCHREINER		X	
REP. NICHOLAS SCHWADERER	X		
REP. TED WASHBURN	X		
REP. FRANKE WILMER		X	
REP. KRISTIN HANSEN, CHAIR	X		

**HOUSE OF REPRESENTATIVES**  
**Roll Call Vote**  
**EDUCATION COMMITTEE**

DATE: 3/27/2013 BILL NO HB 423 MOTION NO. \_\_\_\_\_  
 MOTION: HB 423 DO Pass As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
REP. JOANNE BLYTON, VICE CHAIR	X		
REP. EDIE MCCLAFFERTY, VICE CHAIR		X	
REP. BRYCE BENNET		X	
SPEAKER BLASDEL	X		X
REP. CLARENA BROCKIE		X	
REP. DOUGLAS COFFIN		X	
REP. EDWARD GREEF	X		
REP. DAVID HALVORSON	X		
REP. GREG HERTZ	X		
REP. SARAH LASZLOFFY	X		
REP. JONATHAN MCNIVEN	X		
REP. JEAN PRICE		X	
REP. DAN SALOMON	X		
REP. CASEY SCHREINER		X	
REP. NICHOLAS SCHWADERER	X		
REP. TED WASHBURN	X		
REP. FRANKE WILMER		X	
REP. KRISTIN HANSEN, CHAIR	X		

## AUTHORIZED COMMITTEE PROXY

I request to be excused from the Education

Committee because of other commitments. I desire to leave my proxy vote with:  
Vice Chair Blyden

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
HB 634	✓	
HB 423 0423 DI. ALS	✓	
HB 423 0423 DI. AKA	✓	
HB 423	✓	
HB 635	✓	
SB 340	✓	

BILL/AMENDMENT	AYE	NO

Rep. [Signature]  
(Signature)

Date 3/27/13

**MONTANA House of Representatives**  
**Visitors Register**  
**HOUSE EDUCATION COMMITTEE**

**Wednesday, March 27, 2013**

**HB 634 - Revise K-12 district expansion laws**

**Sponsor: Rep. Kirk Wagoner**

**PLEASE PRINT**

Name	Representing	Support	Oppose	Info
Ron Whitmoyer	East Helena Schools	X		
Karen Goldsberry		X		
Kael Goldsberry				
Shay Goldsberry		X		
Greg Hedlund	EAST Helena	X		
Julie Penner	East Helena Schools	X		
Teresa Stroebe	citizen of Lockwood	X		X
MARK DIEHL	EHSD #19	X		
MARGARET JENNINGS	East Helena Schools	X		
Andrew Johnson	Self <sup>Townsend</sup> School District #441		X	
Karen DeLeon			X	
LANCENELTON	MTSBA		X	
Marco Ferris	MEA - MFT		X	
Kevin Cumler	East Helena	X		
Kevin Bokorovoy	East Helena	X		
Jim Smith	MREA		X	
Erik Burke	Self		X	
Kent Kutzger	Helena School District		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.







MEMORANDUM

TO: Lance Melton  
MTSBA Executive Director

FROM: Debra Silk  
MTSBA Assoc. Executive Director / General Counsel

DATE: March 26, 2013

Re: Adult education as a means of addressing issues of dropout

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This memorandum is a follow-up to our discussions on how schools can use adult education as a means of providing a dropout retrieval program for those regularly enrolled, full-time students who are age 16 or older and who are struggling and have either dropped out or are on the verge of dropping out of school.

Under existing law and the current definitions of "adult basic education" and "adult education," there is an argument that you could keep a student "regularly enrolled" but on a part time basis and still use adult education to fill in the curricular gaps in the student's graduation requirements.

20-7-701. Definition of adult basic education and adult education. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Adult basic education" means instruction in basic skills, such as reading, writing, arithmetic, and other skills required to function in society, offered to persons 16 years of age or older who are not **regularly enrolled, full-time pupils** for the purposes of ANB computation. Adult basic education **may include any subject normally offered in the basic curricula** of an accredited elementary or secondary school in the state.

(2) "Adult education" means the instruction of persons 16 years of age or older who are not **regularly enrolled, full-time pupils** for the purposes of ANB computation.

This is not certain and would, of course, depend on a reviewing court's interpretation of whether "regularly enrolled, full time pupils" should be read in the conjunctive or disjunctive.

Notwithstanding a court's interpretation of the phrase, "regularly enrolled, full time pupils," there is clear authority under existing law to serve a student who has completely dropped out and who is thus no longer enrolled, provided the student is 16 years old or older. Here are the steps a district could take to utilize an adult

education program as a means of providing a dropout retrieval program under current law:

1. Student 16 years of age or older struggles and falls behind in course requirements for graduation.
2. District suggests and student/parent or legal guardian voluntarily accepts the student's withdrawal from enrollment in the district.
  - a. The district and the student/parent or legal guardian could enter into plan for credit recovery/waiver through completion of comparable adult education courses covering subjects "normally offered in the basic curricula" as provided in the definition of adult basic ed and might also address minimum behavioral requirements as a condition of the plan.
3. Student enrolls in adult education course subjects that the student missed in the regular curriculum, continuing in a status of "unenrolled" throughout completion of such courses.
4. Upon completion of the courses in the adult education program that were addressed as part of the contract between the district and the student, the district re-enrolls the student and accepts the courses completed in the adult education program in lieu of course requirements for graduation and graduates the student.

This process would be consistent with the school district's authority pursuant to Board of Education Rule (ARM 10.55.906) to waive course requirements. In fact, ARM 10.55.906(4) expressly uses "adult education" as an example of acceptable course work. The relevant portions of ARM 10.55.906 are as follows:

#### 10.55.906 HIGH SCHOOL CREDIT

(3) The local board of trustees *may waive specific course requirements* based on individual student needs and performance levels. Waiver requests shall also be considered with respect to age, maturity, interest, and aspirations of the students and shall be in consultation with the parents or guardians.

(4) With the permission of the local board of trustees, a student may be given credit for a course satisfactorily completed in a period of time shorter or longer than normally required and, provided that the course meets the district's curriculum and assessment requirements, which are aligned with the content standards stated in the education program. *Examples of acceptable course work include those delivered through correspondence, extension, and distance learning courses, adult education, summer school, work study, specially designed courses, and challenges to current courses.* Acceptable programs must be consistent with the local board of trustees' policy.

Let me know if you need anything further on this issue.

I have had several follow-up questions today asking for my reference during my testimony on SB 14 to the existing Montana ARM:

**10.16.3121**

**(2) The Superintendent of Public Instruction shall insure that when local educational agencies provide education to students ages 19,20 or 21, students of the same age with disabilities are provided FAPE in accordance with IDEA.**

Again, the practical reality is that if a district provides services to ONE 19 year old student...they will be obligated to provide services to ALL...including high-cost special education students.

Dave Puyear