



Education and Local Government Interim Committee

60th Montana Legislature

SENATE MEMBERS

KIM GILLAN
BOB HAWKS
SAM KITZENBERG
RICK LAIBLE
DAVE LEWIS
JIM PETERSON

HOUSE MEMBERS

GARY BRANAE
WANDA GRINDE
ROBIN HAMILTON
BOB LAKE
BILL NOONEY
JOHN WARD

COMMITTEE STAFF

CASEY BARRS, Lead Staff
LEANNE HEISEL, Research Analyst
EDDYE MCCLURE, Staff Attorney
FONG HOM, Secretary
ALAN PEURA, Fiscal Analyst

MINUTES

K-12 SUBCOMMITTEE

Please note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

An electronic copy of these minutes and the audio recording may be accessed from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side column of the home page, select *Committees*, then *Interim*, and then the appropriate committee.

To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

September 25, 2007

Room 137, Capitol Building
Helena, Montana

SUBCOMMITTEE MEMBERS PRESENT

SEN. SAM KITZENBERG
SEN. DAVE LEWIS

REP. WANDA GRINDE
REP. JOHN WARD

LINDA MCCULLOCH, Superintendent of Public Instruction
PATTY MYERS, Board of Public Education
DR. KIRK MILLER, Board of Public Education

SUBCOMMITTEE MEMBERS ABSENT

JAN LOMBARDI, Governor's Office

STAFF PRESENT

CASEY BARRS, Lead Staff
EDDYE MCCLURE, Staff Attorney
FONG HOM, Secretary

Visitors and Agenda

Visitors' list, Attachment 1
Agenda, Attachment 2

COMMITTEE ACTION

- The K-12 Subcommittee adopted the minutes from the June 29, 2007 meeting.
- The K-12 Subcommittee moved to allow ex-officio members voting rights.

CALL TO ORDER AND ROLL CALL

00:00:01 **SEN. KITZENBERG** called the meeting to order at 10:02 a.m. After the committee secretary took roll, he asked that each committee member and ex-officio member introduce themselves.

00:02:32 **REP. WARD** moved to approve the minutes of the June 29th meeting. The motion passed unanimously.

EX-OFFICIO MEMBER VOTING STATUS

00:03:53 **Eddy McClure, Staff Attorney, LSD**, discussed how PEPB has dealt with their ex-officio members and their voting status. She said that by definition, ex-officio members serve on the committee by virtue of their expertise or their office. Subcommittees are not governed by the same rules as full committees and can set up their own procedures as to who is allowed to vote and whether or not to allow proxies. As to the issue of proxies, Ms. McClure said that a decision needs to be made as to whether or not proxies are presented in written form and how broad the proxy is to be. She said that regardless how the subcommittee operates, it will only be making recommendations to the full ELG committee.

REP. WARD asked Ms. McClure how anybody who was not a legislator could have a vote on a legislative interim committee. Ms. McClure said that there is a difference between full committees and subcommittees, that only full committees can take formal action. She said that this is a subcommittee and therefore it cannot take any formal action. Its votes only constitute recommendations to the full committee.

Superintendent McCulloch said that she had sent a letter to the committee members outlining her reasons why she should be a voting member of the subcommittee. She said that the definition of ex-officio means "by virtue of one's office" and doesn't indicate a voting or non-voting status. She said that she would appreciate have voting status and would be a contributing member of the subcommittee.

REP. GRINDE moved to allow the ex-officio members of the K-12 Subcommittee to have voting rights.

SEN. LEWIS asked if a letter was sent regarding who would serve on the subcommittee and who would be voting members. Ms. McCulloch said that there was a letter sent out to all members at the meeting from Sen. Laible that says, "We propose that the K-12 Subcommittee consist of four legislators, two Board of Public Education members, one executive appointee, and yourself as an ex-officio member."

SEN. KITZENBERG said that the motion before the committee is to allow the ex-officio members to vote. The motion passed on a roll call vote, 5-2 (**Attachment 3**).

PROXY VOTING

00:20:00 There was a discussion on proxy voting. Rep. Ward mentioned that the PEPB Subcommittee decided to have specific proxy voting on specific issues only. Sen. Lewis said that he felt that if a legislator wishes to give another legislator the ability to vote for that person in committee, that is their decision. Rep. Grinde said that since the full committee allows for a general proxy, she would support doing it that way. She also suggested that faxed and emailed proxy statements be allowed, it being understood that committee staff and chairman be notified with ample notice.

SEN. LEWIS moved that general proxies be allowed under these terms. The motion passed unanimously.

PRE-K EDUCATION CONFERENCE REPORT - Rep. Gary Branae

00:23:09 **REP. BRANAE** gave a report on the Conference on Pre-K Education that he had attended. He said that the conference, organized by NCSL, presented an opportunity for those states who do not have a state-funded Pre-Kindergarten program to come together for discussion. Many of the states who do have state-

funded programs tie pre-kindergarten to Headstart where they can expand those programs with state money to reach more children. He said that Oregon is partnered with Headstart, and provides state funds. He said that studies have shown that with pre-kindergarten programs correlate to reductions in incarceration costs, a higher graduation rate, and less need for government assistance.

Questions

00:33:56 Sen. Kitzenberg asked the committee if they would like to look at the Oregon model that Rep. Branae had mentioned in his presentation.

FACILITIES INVENTORY UPDATE- Joe Triem, Planning Manager, Architecture and Engineering Division, Department of Administration

00:37:24 Mr. Triem gave an update on the ongoing inventory of K-12 Public School Facilities, Facility Condition Assessments and A/E Project #26-30-03 (**EXHIBIT 1**). Mr. Triem said that he could give an update at each committee meeting as well as a final report when it is done.

Questions

Sen. Kitzenberg asked if it is the intention of Mr. Triem to present dollar amounts for things that need to be replaced. Mr. Triem said that his intention is to capture higher priority elements that are in need of immediate replacements.

Rep. Ward asked if Mr. Triem's approach to problems that need to be fixed is an advisory, informational, or regulatory approach. Mr. Triem said that his approach would be to give the schools a report of the condition of their facilities, what needs to be repaired, and what facility is still in good condition.

Dr. Miller asked Mr. Triem how he addresses the issue of facilities that no longer meet current codes. Mr. Triem said that the facility assessment process not only assesses all facilities but also those facilities that do not meet current code and the law doesn't require it to meet current code because it was grandfathered in.

RURAL FUNDING CHALLENGES UPDATE - Casey Barrs, Lead Researcher, LSD

00:58:34 Mr. Barrs said that he was asked to look at Oregon's rural funding and answer the questions: (1) does that state make any distinction for funding purposes between small rural, and large urban schools, and (2) if there are such distinctions in their formulas, what are the defining criteria and how are they expressed in their funding formula.

Mr. Barrs discussed the documents "Oregon Revised Statutes" (**EXHIBIT 2**); State of Oregon K-12 and ESD School Finance Report (**EXHIBIT 3**); and MREA K-12 School Funding Survey (**EXHIBIT 4**).

Questions

01:07:05 Sen. Lewis asked Mr. Barrs to check what the cost would be of taking the difference in spending per pupil by Oregon and Montana, and then applying that to Montana's ANB student population.

MONTANA RURAL EDUCATION ASSOCIATION - Dave Puyear

01:16:20 Mr. Puyear said that MREA had contracted with John McNeil to serve as a financial school funding consultant. Under his guidance, MREA came up with the questions for a K-12 school funding survey. He gave highlights of the survey results (**see Exhibit 4**):

- 52 districts completed the survey
- rural schools across the state are concerned about the implications of funding and the ability to recruit and retain teachers
- there are concerns regarding the amount of funding that schools received from on-going new funds

EFFECTS OF TEACHER LICENSURE REQUIREMENTS ON ABILITY TO RECRUIT - Bob Runkel, Assistant Superintendent, OPI

01:22:54 Mr. Runkel discussed his written testimony (**Exhibit 5**) on licensure of special education teachers.

Questions

01:36:39 Rep. Ward asked if it was correct that if a teacher who is involved in taking the courses to get their special education credential, can they teach special education while doing that? Mr. Runkel said that that was correct.

Public Comment

01:38:52 Superintendent McCulloch distributed a news release on the NAEP scores to the committee. She also talked about the decline in meth use among students in Montana.

COMMITTEE DISCUSSION

01:39:55 Pre-Kindergarten Programs and Full-time Kindergarten. Sen. Lewis said that it might be best to delay talking about pre-Kindergarten programs. Rep. Grinde wanted to have a report on what is happening throughout the state with the

kindergarten program that has just been implemented. Superintendent McCulloch told the committee that she can provide a report on schools which did or did not implement the full-time kindergarten program. Sen. Kitzenberg asked Superintendent McCulloch to also indicate in her report if the allocation of funds was adequate.

01:48:30 Facilities Inventory. Sen. Lewis said that the Architect and Engineering Division of the Department of Administration will give a progress report.

ADJOURNMENT

01:52:40 SEN. KITZENBERG adjourned the meeting at 11:55 a.m. The next K-12 Subcommittee meeting will be December 13, 2007.

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