



Joint Subcommittee On Postsecondary Education Policy and Budget

60th Montana Legislature

Room 110 Capitol Building * P.O. Box 201711 * Helena, MT 59620-1711 * (406) 444-2986 * FAX (406) 444-3036

SENATE MEMBERS

BOB HAWKS, CHAIRMAN
JIM PETERSON

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BOB LAKE

BOARD OF REGENTS MEMBERS

STEPHEN BARRETT
CLAYTON CHRISTIAN

EXECUTIVE APPOINTEE

JAN LOMBARDI (Ex-Officio)
LFD Staff: Alan Peura

MINUTES

December 13, 2007

Room 102 Capitol Building

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.

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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.

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COMMITTEE MEMBERS PRESENT

SEN. BOB HAWKS
SEN. JIM PETERSON
REP. ROBIN HAMILTON
REP. BOB LAKE

BOARD OF REGENTS MEMBERS

REGENT STEPHEN BARRETT
REGENT CLAYTON CHRISTIAN
REGENT LYNN HAMILTON (attended as a guest)

EXECUTIVE APPOINTEE

JAN LOMBARDI

STAFF PRESENT

EDDYE McCLURE, Esquire, Legislative Services Staff
ALAN PEURA, Legislative Fiscal Staff
LINDA J. KEIM, Interim Committee Secretary

Agenda & Visitor's List

Agenda, Attachment #1
Visitors' list, Attachment #2

COMMITTEE ACTION

The Postsecondary Education Policy and Budget (PEPB) Subcommittee discussed the following agenda:

Agriculture Agencies Update Report

Sheila Stearns, Commissioner of Higher Education
Geoff Gamble, President, Montana State University

Bitterroot Valley Community College

Legislative Process Report by Eddy McClure, LSD staff

Higher Education Model Options Report by Alan Peura, LFD staff

Community College Model by John Robinson, BVCC Trustee-Elect

University Higher Education Center Model by Sheila Stearns

and George Dennison, President, University of Montana

Equipment and Program Development Report by Tyler Trevor, Associate Commissioner, Office of Commissioner of Higher Education (OCHE)

Community College Statute Clean Up Bill by Eddy McClure, LSD staff

Shared Policy Goals Report by Alan Peura, LFD staff and Tyler Trevor

Montana University System Faculty/Staff Retention - Kevin McRae, OCHE Director, Labor Relations and Personnel

CALL TO ORDER AND ROLL CALL

00:00:28 **SEN. HAWKS, Chair** called the subcommittee to order at 9:00 A.M. The secretary called the roll. (see Attachment #3)

00:02:16 The minutes from the September 25, 2007 meeting were unanimously approved. **CHAIRMAN HAWKS** introduced the first agenda item.

AGRICULTURE AGENCIES UPDATE REPORT

00:02:40 Commissioner Sheila Stearns presented the Report of the Advisory Panel on Montana State University (MSU) Agricultural Issues.

Exhibit 1

00:07:04 Geoff Gamble, President, MSU, thanked the Review Panel for their recommendations and commented on four of the questions:
1) The appropriateness of charging for Agency overhead.
2) The fairness of allocation methodology and differences within the state. Mr. Gamble noted that the discount credit system did not work and was discontinued. There is a need to develop a plan to phase in a way to have everyone pay their fair share. Both he and the University will work more actively with the agriculture extension agencies to develop their budgets and explain the long term impact of the Federal side staying flat.

3) Trust Land revenue pledged for next 15 years.
The pledge is appropriate, but in the future, MSU will account for Morrill Act and

bond revenue separately so there is no misconception about how those revenue sources are being used. No debt service beyond the 22 year obligation will be earmarked. MSU will make sure available funds after appropriate debt service are directed to disciplines they were intended for within the University.

4) Whether MSU had maintained or lost its commitment to agriculture. Mr. Gamble assured everyone they are fully committed to their agricultural obligations.

00:18:37 **SEN. HAWKS** asked for public comment.

PUBLIC COMMENT

00:18:53 John Youngberg, Montana Farm Bureau discussed operational funding for agricultural experiment stations and the recommendation that all agencies be treated fairly by phasing out the credit. His concern is the recommendation that MSU help with solution of the problem if the overhead is not fully funded for Agricultural Experiment Stations and Extension service. He feels that agency heads are capable of running the agencies and developing the budget, but they need to find a solution for the overhead. He feels that heads of agencies are the ones that should lobby. Mr. Youngberg wants agencies to be partners in the budget process.

00:29:16 **SEN. HAWKS** asked for more public comment. There was none.

SUBCOMMITTEE QUESTIONS/DISCUSSION

00:29:56 Regent Stephen Barrett noted the underlying problem is failure to recognize that the Federal funding that was promised is not there and causes a shortfall. He said that reality needs to be dealt with in order to solve the problem.

00:31:48 **SEN. PETERSON** discussed MSU's response with President Gamble. He asked if the net result of equalizing everything will increase the overhead charge to agencies. President Gamble noted the overhead charge will eventually go up. It needs to be phased in to make sure there is an appropriate revenue stream coming in. **SEN. PETERSON** asked how involved the directors of the agencies were. President Gamble indicated he worked with the agency directors representing budgets to the Legislature and to the Regents. **SEN. PETERSON** asked if the committee can do anything further to respond to Mr. Youngberg's comments. President Gamble said the State and the legislative branch should look at the reality of federal funding and factor that into PEPB work.

00:36:02 Ms. Stearns commented about the recommendation that her office review funding of all agencies. She wants to make sure that actual funding challenges are among the issues for all five agencies, not just Agricultural Experiment Stations (AES) and Extension Service. Bureau of Mines was cited as a good example of using well informed leaders instead of hiring another lobbyist to help convey the need for appropriate funding of initiatives. She would like to have the Board and the Executive branch consider using this alternative.

00:37:59 **SEN. PETERSON** thanked the group for their response. He noted that partnership in communication needs to continue, that directors of agencies need to be involved.

00:39:28 **SEN. HAWKS** commented that it is important for PEPB members to remember that if department heads are free to speak to the PEPB committee, the model needs to be changed. He noted that the legislature has the advantage of hearing the stories without jeopardizing the proposal for any funding.

00:40:58 Break.

BITTERROOT VALLEY COMMUNITY COLLEGE (BVCC)

00:54:39 **SEN. HAWKS** introduced discussion on BVCC.

LEGISLATIVE PROCESS REPORT

00:55:45 Eddy McClure, LSD Staff, explained the legal process and procedures related to BVCC.

Exhibit 2

01:10:08 **REP. LAKE** discussed the structure of community colleges with Eddy McClure. **REP. LAKE** asked if there is anything in current statutes that allows a hybrid unit, i.e., a blend of the community college and the college of technology (COT). Ms. McClure said PEPB can only control things created by the Legislature. **REP. LAKE** asked whether a hybrid structure would have to be created through separate statute, or if the University system could create a set of rules to allow a hybrid structure. Ms. McClure answered that because of the legal differences in governance and funding of the community colleges and COT's, they could not blend community colleges and COT's without cooperation of the Board of Regents, and how that could occur would depend on an analysis of the "hybrid" proposed. But it is doubtful that a blend of community colleges and COT's could be achieved without legislation.

01:15:53 **SEN. HAWKS** welcomed Lynn Hamilton, Chair of the Board of Regents, to the meeting and invited her to be seated with committee members.

HIGHER EDUCATION MODEL OPTIONS REPORT

01:16:16 Alan Peura, Legislative Fiscal Division Staff gave the Higher Education Model Options Report, discussed funding sources for BVCC, and presented questions for PEPB to consider.

Exhibit 3

01:28:53 Regent Clayton Christian asked if funding would be extended if there was College of Technology (COT) option, or if a new assessment was necessary.

01:29:25 Mr. Peura noted that the local COT tax levy remains at 1.5 mills. It was put into the general fund and is presumed to be part of the amount appropriated to the

university system. He was not sure about extending the levy into the Bitterroot Valley if a COT were established.

01:30:46 **REP. LAKE** asked if adult education at BVCC would have an effect on the adult education being offered through public schools.

01:32:13 Commissioner Stearns explained that the issue of adult basic education is huge for them. They have not asked Colleges of Technology whether they feel empowered by their mission to deliver adult basic education because local schools are already meeting that need.

01:34:10 **REP. LAKE** voiced concern that local secondary schools are already offering adult basic education, and said that the tax base is substantial. His concern is that two groups are trying to provide the same service. Taxes are in some cases permissive levies. He asked staff to look into the issue of those separate entities.

01:35:33 Mr. Peura clarified the state percent share that is invested in community colleges: 48.5% in 2008, and 49.3% in 2009.

COMMUNITY COLLEGE MODEL:

01:36:41 John Robinson, Trustee-Elect BVCC, presented the Community College Model.

Exhibit 4
Exhibit 5
Exhibit 6
Exhibit 7

UNIVERSITY HIGHER EDUCATION CENTER MODEL:

01:47:27 Commissioner Stearns commented on Higher Education Center Models. She said there are models in the state: including Great Falls and Lewistown. These provide educational opportunities for Central Montana, EOCM.

01:50:11 George Dennison, President University of Montana, explained why a higher education center was being established in Hamilton. He noted there was no need to establish COT campus in Hamilton. UM plans to establish a higher education center in Hamilton to deliver course work responsive to the needs in that area and work with local schools. They do not plan to duplicate what is available locally, even if that is a community college. He stressed that no additional taxes or facilities will be necessary.

01:55:54 **SEN. HAWKS** asked for public comment.

PUBLIC COMMENT

01:56:27 Victoria Clark, BVCC Steering Committee, responded to President Dennison's remarks, and noted that they want to present upper level courses and graduate

work. The hybrid idea works with having a lead educational institution be the community college and attracting UM down to host the higher education center. There currently is a non-profit group that provides literacy services, and there is a non-credit course focusing on work force development. She said classes will be complementary and not competitive with existing high school programs.

02:01:39 **SEN. HAWKS** asked Ms. Clark how she would characterize the election process that took place in May 2007. He noted that voting was 52% to 48% with regard to future support in the community to pass the levies. Ms. Clark asked Patti Furniss, BVCC trustee elect, to comment. Ms. Furniss felt the 4% lead is an endorsement of the concept.

02:05:46 Regent Christian discussed with Ms. McClure what the next step would be after the trustees are seated and the mill levy vote has taken place. Ms. McClure answered that once approval is given by the legislature, mills must be raised based upon the community college statute requiring the local community to impose a levy. If approved by the legislature, the mills for the community college support is automatically imposed and it is not subject to another vote.

02:07:40 **SEN. HAWKS** asked if there was further response to Regent Christian's question.

02:08:04 Ms. Clark stated that the legislature has the initial say in funding a community college because they design the formula for funding. It is split between students and locals. Currently half is paid by the state, the remainder goes back to locals to fund.

02:11:48 Ms. McClure clarified that there is a funding formula but the legislature can alter the formula, making the community college budgets go up or down.

02:12:45 Jane Karas, President, Flathead Valley Community College explained the three-part funding formula for community colleges, and noted that there also is a statute that caps how much they can ask for in their local mandatory mill levy appropriations. She said there are many factors to consider when putting funding together.

02:15:19 Commissioner Stearns discussed legislative funding obligations with Pres. Karas to clarify if the legislature is obligated to fund whatever they choose regardless of whether the mill levy requirement is met.

02:16:55 **SEN. HAWKS** handed out a letter about public comment written by David Werner, Missoula to be entered into the record.

Exhibit 8

02:17:27 Patricia Wilson, BVCC Steering Committee, clarified to Regent Christian her understanding that they do not have to go back and have another vote for mills once the legislature forms a community college district, the May 2007 election

was that vote.

SUBCOMMITTEE QUESTIONS/DISCUSSION

- 02:18:18 Regent Barrett noted this raises a question that is not being asked, and Mr. Werner's letter addresses several of these points. He commented that we are dealing with a structure created in the past, and asked if there might be a new way that should be used to approach this and integrate these all together. He noted that there may be a need to revisit the concept.
- 02:22:41 Commissioner Stearns stated that she believes it is the responsibility of Montana University System to take the lead in examining a new concept. What is lacking is a strategic vision for two-year education in Montana. Currently two year education exists in 19 different communities: seven are tribal community colleges. The responsibility of the Board of Regents is to formulate some options for that paradigm in the next several months. The Board's July meeting will focus on planning, and she will ask for guidance in three areas:
- 1) What is the overall projected enrollment for the state, in terms of needs for post-secondary education and what strategy should be pursued;
 - 2) What are the strategic, quality initiatives on each campus related to their budget requests to the Regents and the Governor for the 2011 biennium,
 - 3) What is the strategic vision or paradigm other states use, that needs to be considered by the Board.
- Part of a study Commissioner Stearns' office plans to do will look at BVCC's work as a case study. They will examine mission, governance, and cost and how that relates to best practices in other states. She understands that the responsibility of the Board of Regents is to take the lead in the state and provide a policy framework and information, so the governor and the legislature can take an educated stance when a resolution comes to them.
- Commissioner Stearns' office will keep PEPB up-to-date after the Jan. 11 Board meeting when she lays out a plan to the Board that will include a summit of how two-year education is delivered. This will include a summit inviting speakers from comparable states with some of the best practices, take cost into account and have more of an agreement on the cost.
- She asked Rep. Lake if he and the legislature would be expected simultaneously to appropriate \$1.2 million with a resolution of approval for the Bitterroot Valley and in future sessions for other community colleges, absent a bigger picture of mission, governance, and cost across the State of Montana for places such as Park County, Gallatin County and other regions in the state. She said that part of the study will be whether the university system missed the boat, or has not publicized the extent to which those opportunities could have been delivered.
- Commissioner Stearns said she is offering to follow up on work they have already begun, and with help from the Board of Regents on Jan. 11, thru the course of the spring, will create several options for a strategic vision for two-year education. It may be very different, or similar to what it is now with some tweaking. Commissioner Stearns said she committed to do this in order to guide Montana decision makers in making expensive and critical decisions.
- 02:34:40 **SEN. HAWKS** expressed appreciation for Commissioner Stearns' presentation.

He noted this was similar to what happened during the last interim, and said this is a good model for moving education ahead in coordination with the legislative process.

- 02:36:38 **REP. LAKE** clarified that the funding for university system COT is based on total dollars available and the formula comes into play after dollars are established. Adding another unit of funding does not just add more money. He noted that when looking at reevaluation of what education system goals are, that we sometimes forget who the customer is. We move in directions based on our facilities not on the customer. In Montana, the customer is someone looking at higher education, accessibility, and the cost of providing higher education.
- 02:40:30 Jan Lombardi, Office of the Governor, expressed the importance of determining strategic needs such as transferability, distance learning, the Governor's interest in students for life, and recognizing that we have adults that need to be retooled for the workforce. She said that the adult educational component is very important, and we need to be sure we are not duplicating services.
- 02:42:23 Mr. Peura asked to clarify ongoing needs. He summarized outstanding questions that need looking into as follows: verifying the tax issues related to what happens at the local level, determining whether there is a need for an affirming vote, and looking more in-depth at information provided by BVCC. He asked if it would be appropriate to add an agenda item for March regarding a strategic plan.
- 02:43:44 **REP. LAKE** asked about doing a 5-10-20 year projected cost if this goes through. Mr. Peura answered that he will look into projections for the future as far as expenditure needs and what the tax implications might be.
- 02:44:27 Regent Christian asked if that could include how adult education funding and fiscal impact ties into the various proposals.

EQUIPMENT AND PROGRAM DEVELOPMENT REPORT

- 02:44:50 Tyler Trevor, Associate Commissioner, Office of Commissioner of Higher Education (OCHE) reported on workforce and equipment funding in the Montana University System.

Exhibit 9

- 02:52:41 Ms. McClure, explained the unofficial bill draft.

Exhibit 10

Exhibit 10a

- 02:55:34 There were no further questions. The committee took a lunch break.
- 04:05:20 **SEN. HAWKS** brought the Committee back to order and asked Mr. Peura to give a report on shared policy goals.

SHARED POLICY GOALS REPORT

04:05:45 Mr. Peura discussed Shared Policy Goals and Accountability Measures for the Montana University System.

Exhibit 11

04:21:11 Commissioner Stearns commented on undertaking common course numbering. They will only do the most commonly used courses, probably lower level classes.

04:23:00 Tyler Trevor, Associate Commissioner, OCHE, said shared policy goals and the Board of Regents strategic plan are one and the same. Exhibit 11 is the outline for the strategic plan which Board of Regents has woven together with narrative and illustration to build a full picture. As specified in THE AGREEMENT, this information will be displayed on their website.

04:24:23 Commissioner Stearns asked Mr. Trevor to discuss achieving shared policy goals through shared grants.

04:24:54 Mr. Trevor continued by noting that the University System is considering two grants. The "Making Opportunity Affordable" grant is available for two year institutions. They would align their efforts with the strategic initiatives associated with the Board of Regents, the Legislature, and the Governor's office for a coordinated plan for two year education. A second grant is under consideration for non-traditional students from Western Interstate Commission for Higher Education (WICHE) is titled: "Non-traditional No More: Policy Solutions for Adult Learners". Mr. Trevor passed around copies for the committee and asked for feedback or endorsement they could use in the initial stages of presenting these plans to National committees.

Exhibit 12

Exhibit 13

04:26:36 Commissioner Stearns commented on the importance of deciding in their office whether it is worthwhile to apply for two grants. She discussed the "Opportunity Grant Program" which is a major grant, and the Western Interstate Commission for Higher Education (WICHE) grant. A letter of interest is due by December 31. She said this does not obligate any letters of support at this time. The goal they would center on for the Opportunity Grant would be developing a system of two year education to increase productivity and student results. Areas of focus would be: to increase outreach to non-traditional students; dual enrollment; transferability; and community perception. The WICHE proposal is for a smaller amount and would focus on non-traditional students. They plan to write the two letters so these opportunities can be explored.

04:31:06 **SEN. HAWKS** asked for further questions. There were none on that topic.

04:31:13 **REP. LAKE** discussed Page Two, Shared Goal One, of Exhibit 14. "Decrease percentage of Montana High School students requiring remedial course work in the University System." He suggested that a worthwhile goal would be a move to "eliminate" instead of "decrease" and change the university system over to the four year programs, because COT or two year colleges are designed to get the

student ready for the University System. He felt that if remedial work was eliminated, the degree portion of the system would get out of the business of bringing students up to the level to get into the University System.

Exhibit 14

- 04:33:08 Regent Hamilton responded, noting the importance of the two year program. She commented that one of the goals of the University System is to take students from where they are to where they should be. She felt it is appropriate to provide remedial education for recent high school graduates whose math ended with general math or algebra 1. She said that another segment is the adult learner population: those with no college or limited college education. It is appropriate for the post secondary system to provide education for them to be successful in a college math class, especially in a health care field or an engineering field. They need to be brought up to speed in the most cost-effective way possible. She noted that this is the current focus of higher education in Montana.
- 04:36:40 **SEN. PETERSON** questioned Page Three of Shared Goal One, Exhibit 14, "Improve distance and online learning....." He asked if there is coordination with the Board of Public Education concerning the current ruling on distance learning in the K-12 arena and the limit to oversight of a certified teacher, so assistance would be available in distance learning.
- 04:38:16 Commissioner Stearns clarified that there is coordination and regular communication between the Board of Regents and Board of Public Education.
- 04:39:47 Regent Barrett noted things are not always under Regent control. He would like to see this addressed soon.
- 04:40:44 **SEN. PETERSON** expressed appreciation that this topic was important and also suggested addressing this in a timely manner.
- 04:41:28 Commissioner Stearns agreed and commented on Governor Schweitzer's leadership points at the last Board of Regents' meeting.
- 04:42:12 **SEN. HAWKS** asked Kevin McRae to speak on Montana University System (MUS) Faculty/Staff Retention.

MUS FACULTY/STAFF RETENTION

- 04:42:43 Kevin McRae, Director of Labor Relations and Personnel discussed the issue of retaining and recruiting capable employees from an employer's perspective.
1) Turnover rate and target rate - there is no magic target turnover rate. Campus information provided shows 12.14% turnover. Previous fixes were achieved with

salary increases.

2) Who is leaving and why - 50% left for financial reasons: better pay, benefits, career growth opportunities in better job; 25% were normal retirements; 25% left for personal reasons.

3) Where they are going - In Bozeman, last 14 faculty resignations were as follows: South Dakota State University, Humboldt State University, Washington State University. University of Illinois, Florida State University, Utah State University, Texas A&M, U. C. Davis, Seattle Software Company, University of Minnesota. The last 11 professional non-faculty employees were similar. Mr. McRae noted that salary compression and salary inversion are a problem in Montana and discussed the issue. The difficulty is to get someone who can do the job but must be paid more than long standing employees receive.

4) How is the state pay plan applied in the MSU system - Legislative pay raises are not binding on the University system.

5) Structure of faculty pay - Pay is based on their demonstrated achievements. New employees no longer have a defined benefit package.

6) Are salary and benefits standards and decisions made differently for employees funded from Current Unrestricted Fund as opposed to those funded from Restricted/Designated/Auxiliary funds - Mr. McRae discussed this question and noted that decisions are similar.

Exhibit 15

Exhibit 16

- 05:09:53 Regent Barrett discussed the policies and the plan. He noted that the Board is not bound by the plan, but is capable of accepting the plan. He said they agreed to agree. Problems are worse in the university than in other agencies because they compete in a national market. Bringing up another topic, he added that the Workforce and Retention Report will be added to the website.
- 05:12:38 **SEN. HAWKS** noted the internal self-interest of the Board of Regents and the University System to manage this area. He asked why PEPB is entering into a shared policy goal guideline unless they are going to be involved. He questioned the need for this element because of the University Systems' self interest.
- 05:13:41 Regent Barrett noted it is necessary to recognize the fiscal component. Unless it is a shared goal or a recognized problem, they are not able to manage because they would not have enough money. **SEN. HAWKS** suggested this is a way to get it on the agenda. Regent Barrett agreed.
- 05:14:19 **REP. LAKE** asked if too much of the available funding is being spent for higher education while trying to give remedial work to our secondary system. He commented that if access to higher education goals is being limited, because of the attempt to bring a student from a required level of education into the University System, then funds are not being spent in the best way. They should have received that education in the secondary system.
- 05:16:05 Regent Barrett agreed, but responded that funding for the university has decreased every biennium and we are paying the price for it now. He said that the last legislature got them the first new money in 14 years.

- 05:18:20 Ms. Lombardi commented this is the same conversation that K-12 is having in their meeting across the hall; declining enrollment, limited resources, faculty recruitment and retention, etc. There is a changing dynamic in educational system and a need to look at the bigger picture.
- 05:20:43 **SEN. HAWKS** reminded the committee that time is very limited and asked Mr. Peura what the shared target is, and requested more information about the decision to accept rewording of the goals.
- 05:21:15 Mr. Peura noted the decision of rewording goals would be to revise, accept or not accept the first draft. Also, how to handle a separate larger item in terms of adding a larger shared policy goal. He said there was no need to do that at this meeting. He will look at more data and put the item on the March agenda. **SEN. HAWKS** formally requested Mr. Peura to do so.
- PUBLIC COMMENT:**
- 05:22:21 Erik Burke, MEA/MFT spoke about the salary issue for university employees and noted that the Pay Plan issue is an ongoing problem. He would like to have this committee discuss and prioritize the pay issue. MEA/MFT will be drafting legislation to address this. Retirement for faculty also needs to be addressed; it is a competitiveness concern. He expressed agreement with Ms. Stearns that the distance learning issue will be resolved. Mr. Burke commented on distance learning opportunities and appropriate K-12 education.
- 05:26:07 **SEN. HAWKS** thanked the staff for their work in preparation for the meeting and Ms. McClure responded.
- 05:27:01 **SEN. HAWKS** adjourned the meeting at 2:30 PM.

SENATOR BOB HAWKS
CHAIRMAN