



Education and Local Government Interim Committee

62nd Montana Legislature

SENATE MEMBERS

GARY BRANAE--Vice Chair
TOM FACEY
BOB HAWKS
LLEW JONES
BOB LAKE
FREDERICK (ERIC) MOORE

HOUSE MEMBERS

ELSIE ARNTZEN--Chair
KRISTIN HANSEN
EDITH (EDIE) MCCLAFFERTY
ROBERT MEHLHOFF
JEAN PRICE
MATTHEW ROSENDALE

COMMITTEE STAFF

LEANNE KURTZ, Lead Staff
DANIEL WHYTE, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

MINUTES

November 17, 2011
Room 102

Capitol Bldg
Helena, MT

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page. You must have Real Player to listen to the audio recording or to view the video.

COMMITTEE MEMBERS PRESENT

REP. ELSIE ARNTZEN, Chair
SEN. GARY BRANAE, Vice Chair
SEN. TOM FACEY
SEN. BOB HAWKS
SEN. LLEW JONES
SEN. BOB LAKE
SEN. FREDERICK (ERIC) MOORE
REP. KRISTIN HANSEN
REP. EDITH (EDIE) MCCLAFFERTY
REP. ROBERT MEHLHOFF
REP. JEAN PRICE
REP. MATTHEW ROSENDALE

STAFF PRESENT

LEANNE KURTZ, Lead Staff
DANIEL WHYTE, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

Visitors

Visitors' list, [Attachment #1](#).
Agenda, [Attachment #2](#).

COMMITTEE ACTION

The Education and Local Government Committee approved:

- the minutes from the September 15 & 16, 2011 meeting;
- a request for a fiscal analysis of the accreditation standards that will be implemented as part of the Common Core Standards;
- a document containing items on which to focus for the SJR 28 study;
- a letter of support for OPI to apply for a grant.

CALL TO ORDER AND ROLL CALL

00:00:01 Rep. Arntzen called the committee to order at 8:32 a.m. The secretary called roll. [Attachment #3](#)

MINUTES

00:01:30 Sen. Jones made a motion to approve the minutes from the ELG September 15 & 16, 2011 meeting. The motion **passed** unanimously by voice vote.

AGENDA

00:02:29 Ms. Kurtz gave an overview of the agenda, the issues that will be heard, and summarized the work plan.

Education Data Collection and Analysis

00:07:00 Sen. Jones introduced the speakers that will be providing information about statewide longitudinal data systems and implementation of the requirements of SB 329.

- Aimee Rogstad Guidera, Data Quality Campaign
- Madalyn Quinlan, Office of Public Instruction (OPI)

00:09:38 Ms. Guidera gave a PowerPoint presentation on the Data Quality Campaign's efforts to support effective use of longitudinal data to improve student achievement. [Exhibit 1](#)

Committee comments and questions

The committee members asked about the use of data for Montana, the student identifier system, how data can be used to achieve transparency of the education system, and Montana's ability to match student records between K-12 and the University System.

00:32:20 Rep. Hansen
00:32:40 Ms. Quinlan
00:37:46 Sen. Lake
01:04:54 Rep. McClafferty
01:09:14 Sen. Hawks
01:10:19 Ms. Guidera

01:11:24 Ms. Guidera showed a video how the state of Georgia uses education data. She explained how the information can be used in Montana. She closed by reiterating why this data should be accessible for teachers and all stakeholders involved in the education system.

Committee comments and questions

The committee talked about why data is so important for education in Montana.

01:32:10 Sen. Lake

01:35:09 Ms. Guidera

01:36:18 Ms. Quinlan

01:36:54 Sen. Hawks

01:38:09 **Break**

01:51:46 Rep. Arntzen called the committee back to order.

01:53:02 Ms. Quinlan distributed a copy of a PowerPoint updating the committee on OPI's development of a data system to comply with the requirements of SB 329 and SJ 26. [Exhibit 2](#)

Committee comments and questions

The committee asked questions about a data system showing what students are doing in Saco and in Missoula at the same time; the projects that OPI is working on such as Growth & Enhancement of Montana Students (GEMS), to increase student achievement and close the gaps; teachers receiving credit for special assignments; small communities using data via SharePoint Office Web Applications; grants; and public access to information.

01:59:28 Rep. Hansen

02:00:54 Ms. Quinlan

02:04:47 Sen. Facey

02:08:29 Rep. Arntzen

02:16:44 Sen. Lake

02:27:10 Rep. Arntzen

02:28:20 Rep. Rosendale

02:33:47 Sen. Jones

02:34:34 Ms. Guidera explained how Virginia invested in an early warning system that flags students at-risk. The data will help with inefficiencies within the education system and help identify students who are at risk of dropping out.

02:49:04 **Break**

SJR 28

03:04:38 Ms. Kurtz distributed a copy of SJR 28 [Exhibit 3](#) and distributed and explained a document that provides proposed areas of focus for the SJR 28 study [Exhibit 4](#).

Committee comments and questions

The committee discussed the proposed focus; output-based and performance-based; common core standards and its outcome; and the need for quality data in a performance-based system.

03:06:17 Sen. Lake
03:11:20 Ms. Kurtz
03:13:38 Rep. Arntzen
03:14:27 Rep. Mehlhoff
03:15:31 Sen. Hawks
03:18:46 Rep. Price
03:20:03 Rep. Hansen
03:26:41 Mr. Whyte

03:28:07 **Lunch - The ELG Committee was joined by the Energy and Telecommunications Committee (ETIC), for a working lunch discussion with legislators that had toured oil and gas-producing counties in North Eastern Montana and North Dakota.**

03:43:02 Rep. Arntzen called the committee back to order.

Committee comments and questions

Some members of the committee talked about the bus tour they took in Eastern Montana and North Dakota to view the oil boom that is taking place and its impact on Montana communities. Rep. Rosendale presented a review of the tour and the issues, [Exhibit 5](#), including information on the oil boom, how oil is recovered, the impact of housing conditions, effects on the elderly, and funding education.

03:44:39 Rep. Rosendale
04:18:34 Sen. Hawks
04:20:39 Sen. Lake
04:24:32 Sen. Moore
04:28:40 Rep. Mehlhoff

04:31:56 Rep. Arntzen showed slides of her visit to the oil sands in Alberta, Canada, (Centrude oil), and the impact of the operation on the surrounding area.

04:46:09 Mr. Whyte distributed a handout of draft language requested earlier by the committee regarding a letter of support for a grant for which OPI will be applying [Exhibit 6](#)

MontCAS presentation - Judy Snow, Office of Public Instruction

04:47:07 Ms. Snow distributed a PowerPoint explaining MontCAS - the Montana Comprehensive Education System. [Exhibit 7](#)

Committee comments and questions

The committee talked about the Criterion-Reference Test (CRT) and a CRT Alternative, mandatory language proficiency, and whether home schooled students are included in the CRT.

04:54:04 Sen. Lake

04:55:23 Sen. Hawks
04:56:52 Ms. Quinlan
04:57:58 Rep. Arntzen

04:58:52 Ms. Snow continued her presentation. She talked about the \$28 million GEAR UP grant that will assist middle and high school students to become college and career ready. [Exhibit 8](#) She distributed and talked about the Montana Common Core Standards. [Exhibit 9](#).

Committee comments and questions

The committee asked about what the grant will provide and discussed students becoming college and career ready, cost of data gathering, MontCAS and CRT,"static" and the "smarter balance consortium", and the overall informative assessment.

05:00:45 Sen. Lake
05:14:04 Rep. McClafferty
05:18:04 Sen. Facey
05:18:33 Sen. Jones
05:19:13 Ms. Quinlan
05:25:56 Rep. Price

MSBA B and C Caucuses

05:28:13 **Bob Vogel, Montana School Boards Association**, introduced panel members from Class B school districts, and Class C school districts.

Class B Panel

05:29:24 **Kris Kuehn, Superintendent of the Malta Public School District**, distributed and explained a handout of the Malta School District 14A. [Exhibit 10](#)

Committee comments and questions

The committee talked about assessments, common core standards, data collection and its impact on the Malta school district, opportunities of the digital academy, and the availability of teachers and their pay.

05:41:21 Rep. Arntzen
05:42:50 Sen. Lake
05:44:36 Sen. Jones
05:46:20 Rep. Mehlhoff

05:51:59 **Sabrina Steketee, Trustee, Boulder**, gave her views of the challenges facing education in Montana. [Exhibit 11](#)

Class C panel

06:14:20 **Leland Stocker, Superintendent of the Gardiner School District**, talked about mathematics, science, arts and music components. He said they have a program that pushes K-3rd graders so they will not be struggling later.

06:18:47 **Tim Tharp, Superintendent of Sunburst School District**, explained the operation of the school in Sunburst.

06:29:25 **Paul Finnicum, Trustee, Culbertson**, talked about maximizing flexibility at the Culbertson school, and the school's trimester system.

Committee comments and questions

The committee discussed trimester and its advantages, digital academy and following high school students taking college courses, and teacher salaries.

06:35:32 Sen. Lake

06:38:08 Sen. Hawks

06:40:58 Sen. Jones

06:44:51 Rep. Mehlhoff

06:51:34 **Break**

07:03:47 Rep. Arntzen called the committee back to order.

School Finance Training

Jim Standaert, Fiscal Analyst, LFD

Dan Whyte, LSD Staff Attorney, LSD

07:04:08 Mr. Standaert gave an overview of the history of Montana School Funding from 1999 - 2013. He distributed a PowerPoint explaining the structure of education regarding teachers, administrators, and funding. [Exhibit 12](#)

07:30:46 Mr. Whyte gave a PowerPoint presentation on the history of legal challenges of public school funding. [Exhibit 13](#) He explained court cases that have taken place in Montana regarding school systems and its funding.

07:56:30 Mr. Standaert continued with his presentation about the determination of the meaning of a quality public education.

08:30:04 **Andy Carlson, Havre Public Schools Superintendent**, gave an overview of Havre's school system. Mr. Carlson distributed a handout showing Havre's school budget and funding. [Exhibit 14](#)

08:50:59 **Mike Arnold, Business Manager of the Havre High School**, explained how his office handles the high school budget.

09:14:22 Mr. Whyte distributed a revised SJR 28 focus document. [Exhibit 15](#)

Public Comment

None.

Recess

09:15:43 Rep. Arntzen recessed the ELG committee at 5:48 p.m.

FRIDAY - NOVEMBER 18, 2011

Agenda, [Attachment #1](#)
Visitor's list, [Attachment #2](#)

00:00:01 Rep. Arntzen called the committee back to order at 7:59 a.m. The secretary called roll. [Attachment #3](#) Sen. Facey is present via teleconference.

Follow-up of visit to oil and gas counties and North Dakota

00:03:01 Sen. Jones discussed the oil boom's impact on schools. He distributed a handout showing per capita entitlement and public school payments to counties [Exhibit 1](#), a handout showing Baker, Montana's budgeted revenue [Exhibit 2](#), and a comparison to Lambert, Montana's budgeted revenue. [Exhibit 3](#).

Committee comments and questions

The committee discussed population and size of counties, the effect of the oil boom on local governments, equity of school funding across the state, and local control of state and federal monies.

00:10:52 Rep. Rosendale

00:12:41 Sen. Jones

00:17:01 Sen. Hawks

00:19:44 Sen. Facey

00:20:45 **Harold Blattie, Executive Director of Montana Association of Counties (MACo)**, talked about local control, local flexibility, control of local schools and the impact from the oil and gas boom. He said the local governments need some flexibility to use the funds where it is needed between elementary schools and high schools.

Work Plan

00:25:04 Ms. Kurtz and Rep. Arntzen talked about updates to the work plan for the committee to discuss.

LFC and the Digital Academy

00:25:33 **Barb Smith, Legislative Fiscal Division**, gave an update of how the Legislative Finance Committee intends to monitor the Montana Digital Academy. She said the academy has full enrollment at this time. She said there will need to be discussion by legislators at some point about the benefits of the academy. She will provide more information about the LFC's work at a future meeting.

Committee comments and questions

The committee discussed tracking student source, schools that have gone to 4-day school week, the use of the digital academy for remediation, and quality control.

00:33:23 Sen. Lake

00:34:12 Sen. Jones

00:37:38 Sen. Hawks

Implementation of Common Core Mathematics and English Content Standards and

compliance with 20-7-101, MCA

- 00:40:15 Ms. Kurtz talked about 20-7-101, MCA, regarding standards of accreditation. [Exhibit 4](#). She gave an overview on the process for the committee to formally request a cost analysis for Montana Common Core English Standards and Mathematics Standards. [Exhibit 5](#)
- 00:42:25 **Kris Wilkinson, LFD**, said she is available to answer any questions the committee may have regarding the request for a cost analysis.
- 00:43:37 **Madalyn Quinlan, OPI**, distributed a letter showing that OPI has adopted the student I.D. as permanent record. [Exhibit 6](#)

Motion

- 00:46:24 Sen. Lake made a motion that the committee request a fiscal analysis study of the accreditation standards implementing the common core standards. The motion **passed** unanimously by voice vote. Sen. Facey voted aye by teleconference.

HJR 39 Subdivision Lease or Rent Study

- 00:49:09 Ms. Kurtz gave an update of HJR 39 - a study of the subdivisions regarding exemptions from review for rent or lease. She introduced **Ms. Thigpen, Legal Staff, LSD**, and **Ms. Kelly Casillas, Deputy Chief Legal Counsel, Department of Commerce**. Ms. Casillas talked about a working group meeting, 2011 session bill drafts (HB 494 and HB 629), and what will be presented to the committee at a later date.

Committee comments and questions

The committee talked about having a process declaring a zone of impact without having to go through the long process normally required of local governments for housing and septic systems.

- 00:54:27 Sen. Hawks
- 00:55:30 Ms. Casillas
- 00:57:31 Sen. Lake
- 00:58:46 Rep. Arntzen
- 00:59:30 **Harold Blattie, Executive Director, MACo.**, said MACo's attorney is on the HJR 39 work group. He distributed a handout that shows suggestions for amending the subdivision for lease or rent statutes. [Exhibit 7](#)
- 01:02:17 **Glenn Oppel, Montana Association of Realtors**, said the issue of subdivision exemptions is a difficult one and discussed MAR's concerns.
- 01:07:18 **Betsy Hands**, representing the Montana Smart Growth Coalition, talked about MSGC's perspective.

Zoning Protest Litigation

- 01:11:16 **Helen Thigpen, LSD Staff Attorney**, distributed a PowerPoint updating the committee on legal challenges to county zoning protest provisions and discussed

zoning in general. [Exhibit 8](#)

Public Comment

None

HB 142 Compliance - Governor's Postsecondary Scholarship Advisory Council

01:34:51 **Bruce Marks, Director, Student Financial Services, Office of the Commissioner of Higher Education**, distributed a handout of the Governor's Scholarship Program, and gave an overview of the program. [Exhibit 9](#)

01:41:07 **LeRoy Schramm, Chair, Governor's Postsecondary Scholarship Advisory Council**, talked about the duties of the council, and explained his role on the Council .

Committee comments and questions

The committee talked about the difference between a merit scholarship and a merit-at-large; scholarships going to a 2-year program which is normally geared toward older, non-traditional students; and if recipients of scholarships stay and work in Montana.

01:48:35 Sen. Branae

01:50:57 Rep. Hansen

01:52:42 Rep. Arntzen

01:53:43 Sen. Lake

01:54:54 Rep. Mehlhoff

01:56:11 Sen. Hawks

01:59:03 Rep. Price distributed a handout called Smarter Balance, [Exhibit 10](#), a national consortium she attended that will develop next-generation assessments aligned with the Common Core Standards.

Motion

02:06:33 Sen. Lake made a motion to accept the proposed SJR 28 study focus. The motion **passed** unanimously by voice vote.

OPI Grant Application

Motion

02:08:44 Sen. Jones made a motion that a letter of support for OPI's grant application be sent on behalf of the committee.

Discussion

02:09:44 Ms. Quinlan said the money is all federal with no match from the state level.

Vote

02:10:42 The motion for a letter of support be written and signed by Rep. Arntzen, Chair, for the grant application **passed** unanimously by voice vote.

02:11:29 The time-frame for OPI to receive this grant will be between March and May of

2012.

Committee comments and questions

The committee talked about the number of teachers reaching retirement age, hiring teachers and retaining teachers, accepting out-of-state teaching certificates, and teachers that are non-certified, the digital academy, accreditation, hiring English and math teachers, financing for Common Core Standards, and mill levies.

02:12:37 Rep. Mehlhoff
02:16:48 Rep. Rosendale
02:17:16 Ms. Kurtz
02:19:39 Sen. Lake
02:20:14 Sen. Hawks
02:20:32 Mr. Whyte

02:22:08 Rep. Arntzen said that the LFD has been directed to look at financing for common core standards.

Committee comments and questions

02:22:37 Sen. Lake
02:23:56 Sen. Hawks

Review January 2012 meeting agenda

02:30:22 Ms. Kurtz gave an overview of the January 2012 meeting. She said the committee will be reviewing 2-year colleges and other university system issues.

ELG committee member reports

Committee discussion

02:32:46 Rep. Mehlhoff said another trip to Eastern Montana and North Dakota could be taken to look at the impact of the oil fields toward schools, the funding, and its impact on local governments.

02:34:45 Ms. Kurtz.
02:35:50 Mr. Whyte
02:36:51 Sen. Lake

02:38:44 Ms. Kurtz gave an update of the work plan and suggested issues the committee can review starting with the January meeting. [Exhibit 11](#)

02:44:23 Sen. Hawks suggested the Deans from each of the colleges of education bring material for the committee regarding the training and revamping of the universities' curriculum.

The committee discussed items they would like included in the work plan.

02:51:29 Ms. Kurtz will add these comments/issues for future meetings. She talked about local government issues currently on the work plan. At the January meeting, the committee will hear about local emergency services fees, updates on zoning, the

family transfer subdivision exemption, and Workers' Compensation for volunteer firefighters.

Adjourn

03:05:36

Rep. Arntzen closed the ELG committee meeting at 11:21 a.m.