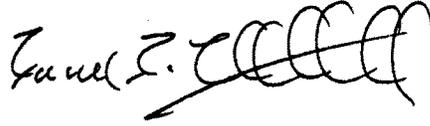


TO: The Interim Education and Local Government Committee

FROM:



Lance Melton, Executive Director
MTSBA



Dave Puyear, Executive Director
MREA

RE: Common Core Standards and LFD Projections/Recommendations

DATE: Monday, June 18, 2012

Dear Committee Members:

As reported to you the past few months, MTSBA and MREA both have significant reservations and concerns with the process used by the Legislative Fiscal Division in estimating the fiscal impact of changes in the Accreditation Standards of the Board of Public Education and the implementation of the Common Core Standards. Although both MTSBA and MREA strongly support the role of the accreditation standards in providing "the minimum standards upon which a basic system of free quality public elementary and secondary schools is built" as provided in the Legislature's definition of quality in 20-9-309, MCA, we also support and believe the Legislature's definition of quality requires that mandates imposed by the accreditation standards be adequately funded in order that the school funding system remains based on and reflects the costs of the definition in 20-9-309, MCA, as required by that same section (see 20-9-309(4), MCA.

As we have previously stated, our primary concerns with the LFD's analysis of costs are as follows:

1. Underestimating the costs associated with implementing standards.
2. Identifying an arbitrary 1% threshold as the amount that a school district can "readily absorb" without additional funding.

3. Implications of 1 and 2 above on additional changes to the accreditation standards on the immediate horizon.

On Tuesday, May 15th both MREA and MTSBA participated in a meeting with representatives of the LFD and other educational groups to review and discuss the LFD's analysis and recommendations that have been made to your committee.

Here is a partial list of the concerns that were expressed during this meeting about the LFD's analysis and recommendations that have been made:

1. While the LFD's estimates included in their analysis are purported to be based on percentages of schools that responded, during the May meeting, the LFD could not produce the actual number of schools responding or any data on the size of districts that responded. **We later learned and confirmed that the ENTIRE survey results are based on the responses of ONLY 70 Montana Public Schools.**
2. Data on PIR days that schools could dedicate to Common Core training seemed questionable in regards to the number of days that some Montana schools could possibly volunteer for this training.
3. LFD estimates on costs include assumptions on the composition of Curriculum Committees that appear to be completely arbitrary based on school size and thus most probably inaccurate.
4. Costs of teacher substitutes necessary for ANY curriculum development work were NOT included in the LFD estimates.
5. Questions included in the LFD Survey regarding textbook purchases were confusing and misleading and did not allow for input of additional instructional materials (manipulatives, computer software, online resources, etc.) that will be needed to implement the Standards.
6. Assessment requirements were grossly underestimated, in part, because the LFD survey did not consider the local "practical realities" of when computers in various buildings are actually accessible and where they are located in the building. Taking the total number of computers per building and dividing by the number of students DOES NOT address these "practical realities."
7. Estimates for assessment requirements did not include the extensive technology required. (Deputy Supt. Dennis Parman detailed some of the latest news regarding the assessments that will be required and it MAY be necessary for most schools to have a complete "lab" of mobile computers accessible to students in order to meet these new rigorous and time-intensive requirements that are just now being developed for Common Core Requirements).

Related Concerns

Our concerns above have been raised most recently with the Board of Public Education's adoption of the Common Core standards, but we would again remind the Committee that there are much larger, far reaching changes on the immediate horizon that will raise the stakes on this process to an even greater degree. For over two years MTSBA and MREA have participated in the most recent review of Montana's school accreditation standards. During this review cycle the traditional review process has been greatly expanded to include numerous other groups and individuals with meetings extending over a period nearly twice as long as has been the case in the past. The "accreditation task force" appears to be poised to recommend significant changes to the current Chapter 55 of the Board of Public Education's rules in the near future. Although there are several proposed changes embraced in the Committee's work that could substantially improve the quality of education for Montana's children, there is no doubt but that many of those changes will come with a corresponding cost that cannot be "readily absorbed" by school districts without additional funding. Examples of where the proposed changes to Chapter 55 could have a significant impact include but are not necessarily limited to:

1. The new evaluation process, which completely rewrites the existing rule on performance evaluations for teachers and administrators and which will require opening virtually every collective bargaining agreement in the state in order for the school district to bargain the effect of the new evaluation process on working conditions of staff covered by collective bargaining agreements in each district.
2. A new induction and mentorship program, which is a new proposed rule that would require each school district to align its evaluation process with an induction and mentorship program. Like the rule change on performance evaluations, this would require a substantial change in working conditions that would have to be bargained in any district with a collective bargaining agreement covering its teaching staff.
3. Several new and/or expanded school board policy requirements that will require substantial board and staff time as well as a significant number of public meetings in order to solicit, receive and consider public comment before adopting.

We appreciate the opportunity to provide you with an expression of our concerns regarding both the specific process used by LFD to estimate the costs of implementing the common core standards and the larger concerns with the process used to estimate and identify what school districts can readily absorb without additional funding.

For the Committee's reference, the attached joint statements of MTSBA and MREA have been provided to the BPE and OPI regarding these issues:

and easily understood. If you adopt the recommendations of the Task Force, that is exactly the kind of process you will have. If you accept the recommended change to the process of Superintendent Juneau, you will have an undocumented, unaccountable process that will stifle innovation in our public schools.

The Process Used by Superintendent Juneau to Recommend the Change

Neither MTSBA nor MREA received any advance communication of concerns over the proposed rule change on variance to standards. In fact, Co Chair Dennis Parman expressed appreciation to MTSBA via email for brokering a compromise between the competing proposals of MREA and MEA-MFT. In spite of there being several OPI staff present throughout the process and in spite of receiving fairly regular feedback from Superintendent Juneau regarding several elements of the Task Force's work, both directly and through Deputy Superintendent Parman, no one at OPI ever suggested that there was any problem with the language proposed by the Task Force on variance to standards prior to the release of Superintendent Juneau's recommended changes, which occurred just a weekend after she received the final recommendations of the Task Force.

Our Request:

We respectfully urge that you reject Superintendent Juneau's proposed changes to this important, unanimously passed part of the Task Force's work. After over two years of participation in this process and the countless hours spent in seeking compromise, the Task Force generally and MTSBA and MREA specifically deserve a greater degree of deference to the consensus work than what is reflected in Superintendent Juneau's recommended change. It should be noted that the proposed change to the variance process is the only substantive change recommended by the Superintendent throughout the lengthy rule changes proposed by the Task Force. All remaining changes proposed by Superintendent Juneau are grammatical in nature and do not disturb the recommendations reached by the Task Force.

The precedence that you will set in determining how to proceed on the recommendations of the Task Force will have consequences, for better or worse, into the future. We hope that you embrace the delicate compromise that was negotiated with regard to the variance to standards process, which will ensure the continued trust in the administrative rule review process going forward.

elements of the evaluation required under the proposed rule. Districts would be forced to go into bargaining with a take it or leave it approach in terms of the required elements of the evaluation required under this rule. Such an approach could be construed as a violation of the duty to bargain in good faith. Alternatively, since a district could not deviate at all from the language required in the proposed rule, it could be placed in a position of having to make concessions on other conditions of employment in order to gain the teachers' acceptance of the language in this rule.

The whole nature of bargaining is to create something together through mutual discussion and collaboration. By requiring the incorporation of detailed specific language from the proposed rule into any collective bargaining agreement, this proposed rule violates these fundamental tenets and will turn the process into a high stakes yes or no answer to the question of whether the evaluation process can be changed. The disruption to harmonious relations between management and labor in school districts statewide can be reasonably predicted to result.

Directly related to the issue above is the Montana Constitution's prohibition on passage of laws and rules that impair vested contract rights. To the extent that existing contracts contain different language on evaluation than the language required under this proposed rule (which would likely be every contract in the state), this rule's requirement of a new evaluation process without any exception for language bargained to the contrary would be unconstitutional and unenforceable. At the very least, the rule should be changed to provide an exception from the evaluation requirements to the extent that a different evaluation process has been negotiated and incorporated into a binding collective bargaining agreement in order to avoid this constitutional violation.

The costs and complications associated with the process of bargaining changes in the evaluation process alone are staggering. On top of the costs of bargaining these changes into each collective bargaining agreement, school districts will also be obligated to establish mentorship and induction programs aligned with these new standards, and to bargain the implementation of those programs as well, which will further increase the costs and strain relationships between management and labor in Montana's public schools.

For the above reasons, we respectfully urge that the Board not adopt the changes to the referenced rules.