



## Education and Local Government Interim Committee

### 63rd Montana Legislature

#### SENATE MEMBERS

TOM FACEY--Chair  
DAVE LEWIS  
FREDERICK (ERIC) MOORE  
MATTHEW ROSENDALE  
SHARON STEWART-PEREGOY  
JONATHAN WINDY BOY

#### HOUSE MEMBERS

DONALD JONES--Vice Chair  
KRISTIN HANSEN  
EDITH (EDIE) MCCLAFFERTY  
JEAN PRICE  
DANIEL SALOMON  
TOM WOODS

#### COMMITTEE STAFF

PAD MCCRACKEN, Lead Staff  
LAURA SANKEY, Staff Attorney  
DAWN FIELD, Secretary

# MINUTES LOG

## Education and Local Government Interim Committee

December 2, 2013

Room 137, State Capitol, Helena, Montana

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.

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Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

#### **COMMITTEE MEMBERS PRESENT**

SEN. TOM FACEY, Chair  
REP. DONALD JONES, Vice Chair

SEN. DAVE LEWIS  
SEN. FREDERICK (ERIC) MOORE  
SEN. MATTHEW ROSENDALE  
SEN. JONATHAN WINDY BOY

REP. EDITH (EDIE) MCCLAFFERTY  
REP. JEAN PRICE  
REP. DANIEL SALOMON  
REP. TOM WOODS

#### **COMMITTEE MEMBERS EXCUSED/ABSENT**

SEN. SHARON STEWART-PEREGOY  
REP. KRISTIN HANSEN

#### **STAFF PRESENT**

PAD MCCRACKEN, Lead Staff  
LAURA SANKEY, Staff Attorney  
DAWN FIELD, Secretary

## **AGENDA & VISITORS' LIST**

Agenda, [Attachment #1](#).

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

## **COMMITTEE ACTION**

The Education and Local Government Interim Committee approved creation of a Shared Policy Goals Subcommittee to which four members were appointed

## **CALL TO ORDER AND ROLL CALL**

00:01:12 SEN. FACEY called the Education and Local Government Interim Committee (ELG) meeting to order at 9:03 a.m. The Secretary took roll, SEN. STEWART-PEREGOY, REP. HANSEN were excused ([Attachment 3](#)). SEN. WINDY BOY arrived later in the meeting.

## **ADMINISTRATIVE RULE REVIEW**

00:02:33 **Laura Sankey, Staff Attorney, Legislative Services Division (LSD)**, discussed an administrative rule activity regarding the Montana Land Information Act (HB 38, 2013) ([EXHIBIT 1](#)).

- **Public Comment**

00:04:02 There was no public comment.

## **HJR 2 ERM Work Group Meeting Progress Report**

- **Meeting Review**

00:05:15 **Pad McCracken, Research Analyst, LSD**, asked that the committee members use the updated green agenda in the meeting packet.

00:05:51 Mr. McCracken recapped two HJR 2 Electronic Records Management (ERM) Work Group (ERM) meetings. A written summary of each meeting was provided (October 23, 2013 - [EXHIBIT 2](#) and November 11, 2013 - [EXHIBIT 3](#)).

00:16:47 SEN. ROSENDALE said that if the Work Group plans to present a "menu" of its findings to the ELG that the ELG will then pick and choose from, it will be very important that the ELG know, in order to make logical decisions, how the items may or may not be connected. Mr. McCracken said that the recommendations and choices presented will be structured to avoid a "hodge podge" approach. He went on to explain that there are no formal recommendations at this time and that the goal is to get fundamentals into place before making electronic records management decisions.

00:19:55 Mr. McCracken discussed efforts to gather information from other states with leading electronic records management programs. He also discussed the structure of the HJR 2 ERM Work Group and meeting schedule.

00:22:16 REP. JONES, regarding Billings City Council meetings, asked Ms. Sankey what the requirements are for executive session and meeting minutes. Ms. Sankey said that state statute requires all meetings to be open but provides exceptions for privacy concerns and litigation cases. She said that requirements that minutes be kept applies only to open meetings.

- **Overview of Information Gathering Rules**

00:23:21 Mr. McCracken discussed survey results from the *HJR 2 Electronic Records Management Agency and Local Government Survey*, via a powerpoint presentation, including conclusions and takeaways ([EXHIBIT 4](#)).

00:42:51 Mr. McCracken reviewed a number of comments and concerns received from state agencies and local governments during the ERM survey ([EXHIBIT 5](#)).

- **Committee Questions and Discussions**

00:49:15 SEN. LEWIS discussed the use of electronic communications, specifically text messages and emails, that occurred during a recent TRS Board Meeting. The issue was discussed at a subsequent State Administration and Veterans' Affairs (SAVA) Interim Committee meeting. He said it was apparent that a great deal of texting and emailing going on during discussion of a motion. He said that the SAVA chair has requested LSD staff to determine if the texts and emails made to TRS Board members during the debate would be considered public information and if so, could that information be obtained. He said that the question of what is the public's right to access to information must be answered and should be a part of the HJR 2 Study discussion.

00:51:56 SEN. FACEY asked to know what the liability factor is if records aren't maintained. Mr. McCracken said that taking no action would result in continued inefficiency and that a more pressing concern is related to litigation and not being able to produce needed records.

- **SITSD Update on RFI Status**

00:53:56 Mr. McCracken discussed an update from Project Manager Miranda Keaster regarding the State Information Technology Services Division (SITSD) request for information (RFI) from state agencies and local governments. Mr. McCracken reported that the RFI results would be released in December 2013 and would be available to the ELG at its January 2014 meeting.

- **Reports on States with Exemplary ERM - Secretary of State's Office**

00:56:13 **Patti Borsberry, State Records Manager, Secretary of State (SOS)**, reported on her research of other states, saying that initial contact has been made with Arizona, Minnesota, New York, Utah, and Washington; and that Michigan and Kansas may be added to the list. Ms. Borsberry discussed why those states were chosen as models for study and noted that risk management appears to be the greatest universal concern.

- **Records Manager, and Jodie Foley - Montana State Historical Society**

00:58:34 **Jodie Foley, State Archivist, State of Montana**, said that the main focus has been on identifying funding sources, education needs, and best practices. She briefly discussed a Library of Congress program on preserving state governments' information. Ms. Foley reviewed specific ongoing government information preservation projects in Arizona, Minnesota, North Carolina, and Washington. She said that ideas could be taken from each model in determining what would work best for Montana. Ms. Foley discussed possible funding sources for preservation programs and for archivist training. She discussed the work of the Council of State Archivists in education and establishment of best practices.

- **Committee Questions**

01:06:41 SEN. ROSENDALE asked Ms. Foley to repeat the list of states whose preservation programs Montana is looking at. Ms. Foley said the states are Arizona, Minnesota, North Carolina, New York, Utah, and Washington.

01:07:10 SEN. WINDY BOY asked how Montana compares to what other states are doing. Ms. Foley said that as part of her work as a state archivist, she completed a self-assessment on Montana's practices, which revealed that Montana ranks quite low. She said the purpose of the HJR 2 Study is to determine where Montana is at, to develop a map of what needs to be done, and a plan for how to get there.

01:08:18 SEN. WINDY BOY asked if the HJR 2 recommendations will include funding options. Ms. Foley said that she would assume so but that because solutions will require much more than just money, recommendations would be made using a holistic approach.

01:09:07 SEN. ROSENDALE said if other states have similar laws to Montana and if not, has that made it more difficult to analyze the other programs. Ms. Borsberry said that there has been no impediment in looking at what other states are doing.

- **Public Comment**

01:10:14 **Kevin Nelson, Billings**, discussed an ongoing situation regarding executive session meetings and the lack of a requirement to create minutes for those meetings. He said that Billings City Council meetings are being closed claiming litigation exceptions so no minutes are being taken, but that there is no litigation involved. He said this has created closed meetings for which there are no records and that the people have a fundamental right to know what is going on in governmental proceedings. Mr. Nelson said he planned to expand on his concerns later in the meeting and would present documents to clearly show what is going on and why this needs to be looked at.

01:14:05 **Bob Vogel, Montana School Boards Association**, praised ELG staff for the work process of the ERM Work Group. He said he was rather skeptical at first but now thinks that progress is being made. He agreed that it is a very important issue and that a multi-faceted approach will be necessary. He urged the ELG to take the right steps and said that while it may not be an exciting issue, that it is a very important one.

SEN. SEN. FACEY recessed the meeting at 10:20 a.m. for a short break.

**BREAK**

01:32:50 SEN. SEN. FACEY called the meeting back to order at 10:35 a.m.

**UPDATE FROM GOVERNOR'S OFFICE**

01:33:03 **Shannon O'Brien, Education Policy Advisor, Update Governor's Office**, said that Governor Bullock sends his thanks to the ELG for its service and good work. She reported that the Governor remains focused on job creation, better education, and building a more effective and efficient state government. Ms. O'Brien gave a brief overview of each of the levels of education and the related activities of the Governor's Office which included:

01:34:29 early childhood education and Montana's participation in the Race to the Top Early Learning Challenge competition for a \$37 million grant;

01:42:25 K-12 issues, including addressing drop out prevention and increasing graduation rates through the Graduation Montana program;

01:43:09 dual enrollment issues and efforts to help schools, particularly rural schools, offer more dual enrollment classes; and

01:44:01 higher education needs, including the Complete College Montana program and a \$25 million work force development grant to increase degrees in 2-year programs in order to meet work force needs.

• **Committee Questions**

01:46:53 SEN. WINDY BOY asked, regarding the issue of dual credit transfer and tribal colleges, if there has been any exploration of transferring credits between tribal colleges and the Montana University System (MUS) colleges. He said that tribal colleges contribute over a billion dollars into Montana's economy and that the that the only funding returned to tribal colleges is nonbeneficiary funding.

01:48:58 Ms. O'Brien said that the governor has met with tribal college presidents and that they have been invited to attend the Board of Education meetings to discuss the issue. She discussed additional efforts to deal with credit transfer issues.

01:52:56 REP. MCCLAFFERTY asked for more details on the work force grant. Ms. O'Brien said that the grant will involve community colleges, primarily in the area of manufacturing classes, and would include private industry and higher education to identify what skills are needed. She said she would provide literature on the grant program.

01:54:29 SEN. ROSENDALE asked if the \$37 million early childhood grant, if awarded, would require a state match. Ms. O'Brien said it would not. SEN. ROSENDALE noted that the funds would be dedicated to the expansion of pre-K programs and asked what will happen to the expanded programs when the grant funds are depleted. Ms. O'Brien acknowledged that there is no sustainability plan for the program but said that it was decided that it would be in the state's best interest to expand the programs, even if it turned out to be for a short time.

01:57:14 SEN. ROSENDALE asked how the public might react to a program that is not available to all students and that goes away after a few years. Ms. O'Brien said the worse case scenario is that services and programs would return to the level they are now and that the Governor is willing to take the risk.

01:58:13 SEN. ROSENDALE asked if there is a breakdown that shows a ratio of students who take dual enrollment classes and the likelihood of those students requiring remedial assistance compared with those students who aren't participating in dual enrollment classes. Ms. O'Brien said that national data indicates dual enrollment students are less likely to require remediation. SEN. ROSENDALE said that if that is the case, dual enrollment classes should focus on the kinds of classes that students need before they enter the university system.

01:59:54 SEN. FACEY said that it isn't clear if it is recent high school graduates or older nontraditional students returning to college who are enrolling in the remedial classes.

- 02:00:28 REP. SALOMON asked for clarification on how the early childhood grants would be administered. Ms. O'Brien said that the grant would fund five new programs per year for four years, so a total of up to 20 programs could receive grant funding. REP. SALOMON said that local school boards need to understand that the funding will end and that decisions on keeping or terminating the program will have to be made. Ms. O'Brien said that is correct.
- 02:01:41 SEN. LEWIS discussed how the grant money could be properly allocated, either through a budget amendment or by asking for legislative approval. Ms. O'Brien said that the funding will become available on January 1, 2014, at which time implementation would begin. She said that legislative approval would be requested in 2015. SEN. LEWIS asked for clarification that the Governor's Office intends to spend the first year's money before asking for legislative approval. Ms. O'Brien said that is correct.
- 02:02:57 REP. WOODS clarified that anecdotally speaking, dual enrollment students don't need as much remediation as the average student. Ms. O'Brien said that the Board of Regents is considering allowing adjunct professors to teach gateway math and english classes in high schools as a means of decreasing remediation needs.
- 02:04:03 SEN. ROSENDALE asked, regarding the early childhood grant, what could happen if the grant is received and allocated in 2014 and the 2015 Legislature denies spending authority. Ms. O'Brien said that the issue has been discussed and the concern is that serving children is such a high priority for the Governor that he is willing to take the risk. SEN. ROSENDALE asked, if serving children is such a high priority for the governor, why he didn't propose this as a part of the state's regular budget in the 2013 session and not waiting until after the session to request special grant from the federal government when the legislature had no opportunity for input. Ms. O'Brien said she could not answer that but would take SEN. ROSENDALE's concerns to Governor Bullock.
- 02:06:31 SEN. LEWIS said that a \$37 million grant would create a major policy decision and would step the state into a whole new level of spending. He asked if there has been any thought of calling a special session in order to get legislative approval. He said doing that would eliminate a lot of the risk.
- 02:07:21 SEN. FACEY asked SEN. LEWIS to explain how an administrative budget amendment process works. SEN. LEWIS explained if a governor gets unanticipated money in the interim, the Legislative Finance Committee can grant spending authority for that fiscal year but that legislative approval is still needed for the following fiscal year.
- 02:08:24 SEN. ROSENDALE asked if that process would include funds not allocated through typical revenue streams, such as federal grant funds. SEN. LEWIS said it would.
- 02:09:52 REP. SALOMON asked if the grants are intended to begin new programs or for school districts needing assistance with existing programs. Ms. O'Brien said the grant would build on existing programs and explained further.

02:11:20 SEN. FACEY said he wrote a letter in support of the grant. He asked Mr. McCracken to create a link to the grant on the ELG website so committee members can examine it further.

### **UPDATE ON MONTANA INDIAN LANGUAGE PRESERVATION PILOT PROGRAM**

02:12:02 **Heather Sobrepena-George, Montana Department of Commerce**, updated the ELG on the Montana Indian Language Preservation Pilot Project (MILP<sup>3</sup>). The update addressed program highlights and the individual tribes' programs:

02:14:39 MILP<sup>3</sup> highlights (page 1, [EXHIBIT 6](#));  
02:25:56 Blackfeet Tribe update (pages 1 and 2, [EXHIBIT 6](#));  
02:28:39 Chippewa Cree update (page 2, [EXHIBIT 6](#));  
02:29:55 Confederated Salish and Kootenai Tribe update (pages 2 and 3, [EXHIBIT 6](#));  
02:31:48 Crow Tribe update (page 3, [EXHIBIT 6](#));  
02:33:56 Fort Belknap Indian Community update (page 3, [EXHIBIT 6](#));  
02:35:11 Fort Peck Assiniboine and Sioux Tribe update (page 3, [EXHIBIT 6](#));  
02:35:56 Little Shell Tribe of Chippewa Indian update (pages 3 and 4, [EXHIBIT 6](#)); and  
02:38:29 Northern Cheyenne Tribe update ([EXHIBIT 6](#));  
02:41:14 Ms. Sobrepena-George noted that contact information for each local program advisory board was included in her document.

#### **• Committee Questions and Discussion**

02:42:41 SEN. WINDY BOY asked for an explanation of Class 7 Indian Language Specialist certification and what it means. Ms. Sobrepena-George said it is a license through OPI and is based on verification by American Indian Tribes. She explained the licensing process and noted that tribal government approval is required.

02:44:22 SEN. WINDY BOY asked if there has been any discussion regarding offering these languages an elective class in schools. Ms. Sobrepena-George said no but that she is aware that the Blackfeet plan to require all of their teachers to attain a certain level of fluency in their native language. She said that could be the first step in expansion of fluency expectations and could be discussed with OPI.

02:46:27 SEN. ROSENDALE asked how many distinct separate Indian languages there are in the state. Ms. Sobrepena-George said there are least 15 different language families present in Montana.

02:47:47 SEN. ROSENDALE asked if the ELG could receive another update at its January meeting. SEN. FACEY said it would, at least in print form.

02:48:34 REP. PRICE asked if there has been any indication of continuation of the programs beyond the pilot project. Ms. Sobrepena-George said that the tribes would like to but that there is no guarantee of continued funding. She discussed the possibility of federal funding, which she said, is very competitive. She discussed how parts of the program may be continued by the individual tribes, even if funding is not continued.

02:51:14 SEN. WINDY BOY added that several tribal governments are pumping in their own money in order to help. Ms. Sobrepena-George said that the tribes have to report all in-kind or additional funding that tribes are providing.

- **Public Comment**

02:52:51 There was no public comment.

SEN. FACEY said that the charter school agenda item would be postponed until after the lunch break and recessed the meeting until 1:00 p.m.

**LUNCH BREAK**

04:00:10 SEN. FACEY called the meeting back to order at 1:03 p.m.

**STAFF REVIEW OF 2013 CHARTER SCHOOL BILLS**

04:00:30 Mr. McCracken discussed his synopsis of two charter school bills from the 2013 session, House Bill 315 and Senate Bill 374, ([EXHIBIT 7](#)). Discussion points included the potential impacts of each bill as well as a comparison with the administrative rule relating to school districts' authority to create charter schools.

- **Committee Questions and Discussion**

04:15:27 SEN. FACEY asked about the funding component in SB in 374. SEN. LEWIS, SB 374 sponsor, answered that the senate bill was submitted after HB 315 failed and that the basic bill concepts were the same, except for funding. He discussed the bill's history, including that it was heavily amended on the Senate floor before being tabled in the House Education Standing Committee. SEN. LEWIS predicted that similar bills would be introduced in the 2015 session.

04:19:25 SEN. WINDY BOY asked for a copy of the administrative rule listed at the bottom of page 1 of [EXHIBIT 7](#). Mr. McCracken said he would provide a copy to SEN. WINDY BOY.

04:19:48 Ms. Sankey said that the final version of SB 374 did not have a funding provision and explained further.

- **Public Comment**

04:20:20 There was no public comment.

**SCHOOL TRANSPORTATION FUNDING AND SAFETY BILLS**

04:20:57 **Ross Johnson, Legislative Audit Division (LAD)**, provided copies of a summary of the legislative audit ([EXHIBIT 8](#)) and said that full copies are available upon request.

- **Summary of Findings and Recommendations**

04:21:49 Mr. Johnson discussed the results of LAD's performance audit, *School Transportation and Safety*, ([EXHIBIT 9](#)). The presentation included basic information on school transportation, sources of funding, establishing of bus routes, effectiveness of reviews and information submitted by schools, and reimbursement issues, and five recommendations.

04:29:40 Mr. Johnson discussed LAD's five recommendations as determined by the performance audit findings:

- Recommendation 1: OPI improve its ability to establish the validity and accuracy of bus route reimbursement claims by strengthening controls over the claims process;
- Recommendation 2: OPI develop a plan to track pupil transportation information via global positioning systems;

- Recommendation 3: that the Montana Legislature review the effects of the statutory reimbursement schedule to determine if changes are necessary to promote efficiency, simplicity, or equity;
- Recommendation 4: A. that the Board of Public Education work with the Office of Public Instruction and other stakeholders to establish criteria defining the good moral character and acceptable driving history for school bus drivers, and B. The OPI require districts to perform background checks for school bus drivers to ensure drivers meet all criteria for criminal and driving history; and
- Recommendation 5: OPI work with the Department of Justice to conduct periodic review of driver criminal history and drivers' license status and provide results to school districts when necessary.

• **Committee Questions and Discussion**

04:31:22 SEN. ROSENDALE asked how districts could be incentivized to install global positioning systems (GPS) in their buses. Mr. Johnson said that districts have incentive to adopt GPS because of the cost savings due to better route efficiency. He said he wasn't sure it was necessary for the state to provide additional incentive.

04:32:23 REP. WOODS referred to Mr. Johnson's discussion of inaccurate charges for home to school transportation. He asked, if schools clamped down and corrected this practice, how school transportation would be affected. Mr. Johnson said he really couldn't speculate on that. REP. WOODS said that a separate funding source would have to be created. Mr. Johnson said yes.

04:46:49 SEN. MOORE said which of the recommendations was only partially concurred. Mr. Johnson said it was the global positioning system recommendation to OPI (Recommendation 2).

04:48:09 SEN. ROSENDALE said that transportation costs increased by approximately 50% since 2003 and asked if the increase in fuel costs is to blame. Mr. Johnson said he wasn't certain but thought fuel costs would be a significant factor.

04:49:02 SEN. MOORE asked if the audit looked at how full the buses are and efficiency utilization of bus seating capacity. Mr. Johnson said that he did not have data readily available but would look into it.

04:50:24 SEN. WINDY BOY asked who would have to pay the costs of installing GPS technology in buses. Mr. Johnson said the districts would most likely have to fund installation of GPS technology.

04:51:38 SEN. WINDY BOY asked who has to pay for background checks for teachers and other school staff. Mr. Johnson said that districts are responsible.

04:51:59 SEN. WINDY BOY asked if the audit took into account recent school consolidations. He said that larger districts create longer and possibly more bus routes. Mr. Johnson said that was not considered but could be one reason why transportation costs are increasing.

04:53:14 REP. WOODS asked if the average compensation rate for bus drivers in Montana has changed. Mr. Johnson said that was not looked at in the audit.

- 04:53:34 REP. WOODS asked if two-point restraint systems would be feasible for use in school buses. Mr. Johnson said they would be and would not require the additional space that a three-point restraint system does.
- 04:53:54 SEN. ROSENDALE said, regarding funding, that it appears that county and state portions have stayed consistent and that the only changes have been in local funding. He asked if those are voted or nonvoted levies. Mr. Johnson said that would be due to a permissive levy, which is charged out to the property tax payer.
- 04:54:37 REP. JONES asked about the suggestion that desk audits be done on a risk basis, rather than randomly. Mr. Johnson said he didn't know what the status of that suggestion is and would find out when the followup is done. Mr. Johnson explained why that would be a better approach.

- **Public Comment**

- 04:56:24 **Madalyn Quinlan, Chief of Staff, Office of Public Instruction**, discussed OPI's response to Recommendation 2 regarding installation of GPS for purposes of tracking student transportation information and Recommendation 4 regarding background checks for school bus drivers.
- 05:00:54 REP. JONES asked if desk audits are random or risk based. Ms. Quinlan said she couldn't answer that but did know that high watch school districts were looked at more frequently than others.
- 05:01:44 REP. JONES asked if there are there rules against sex offenders working in schools. Ms. Quinlan discussed the specific instance the audit addressed and said she is not certain of what the status is now.
- 05:02:33 SEN. MOORE asked if there are identifiable benchmarks of conduct or acceptability to make districts eligible for school bus reimbursement funding or if it depends on the miles turned in. Ms. Quinlan said that the bus has to pass inspection twice a year and the bus driver has to be certified.
- 05:03:40 Kevin Nelson, Billings, commented on an Attorney General opinion regarding the Ennis School District's use of transportation funds to build a new school ([EXHIBIT 10](#)).

### **BOARD OF PUBLIC EDUCATION**

- 05:06:33 **Pete Donovan, Executive Director, Board of Public Education (BPE)**, discussed a powerpoint presentation on the duties and responsibilities of the Board of Public Education. He also discussed several proposed administrative rules that would be coming before the BPE ([EXHIBIT 11](#)).

- **Public Comment**

- 05:16:41 **Laura Needham, Billings**, commented on her concerns about the Common Core Standards. She asked why Common Core was chosen and asked for reconsideration of that decision. She submitted two documents into the record: a statement from Meg Ryan ([EXHIBIT 12](#)) and a statement from New York State Principals ([EXHIBIT 13](#)), both of which oppose Common Core.

- 05:25:12 **Tim Ravndal, Townsend**, commented on the need for parents, citizens, taxpayers, and others to have a full understanding of Common Core. He said he is seeking to have a discussion of his points of concern with the BPE and would appreciate having a very close look at where Montana is at and what is going on nationally as the implementation process moves forward.
- 05:26:44 **Lavonna Robinson, Billings**, commented on her personal experiences as a parent of students in Billings School District 2 and a number of concerns regarding the level of career testing done in her daughter's high school, math and social studies curriculum materials, and Common Core Standards. Ms. Robinson stated that, in her opinion, strange test questions were being asked and that students were being asked to provide private information. She said that she and her husband feel that they have been excluded from participating in important decisions regarding their children's education.
- 05:32:18 SEN. ROSENDALE asked who did the career testing involving Ms. Robinson's daughter. Ms. Robinson said that the testing was done by the Research and Analysis Bureau of the Department of Labor and Industry through the University of Oregon, when her daughter was in the ninth grade.
- 05:32:53 SEN. FACEY asked if a guidance counselor gave the test. Ms. Robinson said that she didn't know that but that after the testing, her daughter had to meet with a guidance counselor who went over a class schedule that mapped out her remaining years of high school.
- 05:33:13 REP. WOODS asked if the tests were interest level tests. Ms. Robinson said no, that the tests were part of a class and that what alarmed her was the level of questions, the length of time, and the number of tests given in a two-year period. She said she felt like she had been taken out of the picture and that it was shocking to her to find out about what had been going on.
- 05:34:48 Ms. Robinson said that SD 2 has struggled financially and asked about the cost of Common Core and how it will be funded at the state and federal levels. Mr. Donovan said that OPI could answer that question best but that a study was done before adoption of the standards. Ms. Robinson said that \$57 million of state funding was a lot of money to pay for standards that may not be kept.
- 05:36:11 REP. SALOMON asked if Ms. Robinson has taken her concerns to the local school board. Ms. Robinson said that she has and was told to contact her state representative. She said she feels she is getting the runaround.
- 05:37:45 SEN. MOORE said that he has heard similar concerns about Common Core in his district and that there appears to be a great deal of misunderstanding and fear about the standards. He encouraged BPE and OPI to think about what could be done to increase public awareness and to address legitimate concerns.
- 05:38:48 SEN. LEWIS said that OPI did give a presentation to the Senate Education Standing Committee but that Common Core had been adopted at that point. He added that there has been no budget request from OPI for Common Core, even though there has been numerous concerns expressed about its cost.

05:39:39 SEN. FACEY referred to a request for a legislative audit on the computer software costs for Common Core. He asked Mr. McCracken if he recalled additional details. Mr. McCracken said that the LFD has concerns regarding 20-7-101, MCA, and that the ELG would address those questions at its next meeting.

05:41:31 SEN. WINDY BOY asked if the Montana Advisory Council on Indian Education (MACIE) recommendations are provided to OCHE and if MACIE has anything to do with the credit transfer issue. Mr. Donovan said that MACIE applies primarily to K-12 education.

05:42:44 SEN. WINDY BOY said if K-12 dropout rates are addressed as part of the MACIE report. Mr. Donovan said that the BPE gets a detailed annual report on dropout rates from OPI and would be available to SEN. WINDY BOY.

05:44:29 SEN. MOORE asked staff to research ELG minutes from the prior interim that dealt with accreditation standards and recording requirements as outlined in 20-7-101, MCA, and to forward the information to himself and the other committee members, if they wish. He said he would like to see anything relevant to the implementation of Common Core and the actions of the ELG. SEN. FACEY recalled that much of the discussion at that time was related to computer costs and not necessarily related to the content of Common Core Standards.

05:45:43 SEN. FACEY recessed the meeting for a short break.  
**BREAK**

06:00:11 SEN. FACEY called the meeting back to order at 3:02 p.m. (*REP. MCCLAFFERTY and REP. WOODS departed the meeting.*)

### **SHARED POLICY GOALS**

- **Proposal to Form Subcommittee to Review Shared Policy Goals**

06:00:51 SEN. FACEY referred to a November 14, 2013, memo outlining the proposal to form a subcommittee to review shared policy goals ([EXHIBIT 14](#)). He spoke in support of the proposal and asked for a motion to appoint four members to a K-12, K-20, and MUS Shared Policy Goals Subcommittee. Mr. McCracken said the subcommittee would meet prior to a full committee meeting.

06:03:00 **REP. SALOMON moved to authorize appointment of four ELG members to a Shared Policy Goal Subcommittee and that the Subcommittee would report its findings and conclusions to the full ELG Committee. The motion passed on a unanimous voice vote.** SEN. FACEY appointed REP. HANSEN, REP. MCCLAFFERTY, SEN. MOORE, and SEN. STEWART-PEREGOY as members.

- **Public Comment**

06:05:39 There was no public comment.

### **UPDATE ON K-12 DATA TASK FORCE**

06:05:48 Madalyn Quinlan, Chief of Staff, OPI, reviewed the creation of the K-12 Data Task Force as a provision of SB 175. She said that 53 applications have been received for the 28-member task force and discussed appointment of remaining members. Ms. Quinlan said that the Task Force will convene on January 15, 2014, in Helena.

- **Committee Questions**

06:08:31 There were no committee questions.

**PUBLIC COMMENT AND COMMITTEE DISCUSSION OF ANY ADDITIONAL/EMERGING ISSUES WITHIN ELG'S JURISDICTION**

06:09:18 Kevin Nelson, Billings, submitted into the record a packet of documents pertaining to his request for information relating to a closed meeting held by the Montana Municipal Interlocal Authority (MMIA) ([EXHIBIT 15](#)). Mr. Nelson discussed his concerns about how taxpayer funds are being used by the MMIA and said he has grave concerns about such meetings being closed to the public. Mr. Nelson asked if the ELG is aware of MMIA's actions and if it has oversight of this matter. He asked the ELG to look into the closed meetings being held by MMIA.

06:16:29 SEN. FACEY clarified that Mr. Nelson's concern is based on public entities joining certain organizations and if there is still a requirement for that public entity to have open meetings. Mr. Nelson said that is correct. He discussed a court decision involving the Associated Press and the Montana Public Service Commission which said that only individuals have privacy rights in Montana. He commented further on use of privacy rights by corporations and other entities.

06:18:21 SEN. LEWIS asked if the MMIA is an arm of The League of Cities and Towns. Mr. Olson thought it was.

06:18:57 **Shantil Siaperas, Legislative Coordinator, Montana Association of Counties (MACo)**, said that the MMIA not under MACo's umbrella. She explained MACO's insurance pools.

06:19:54 **Rachel Harp, Billings**, discussed her concerns about Common Core. She thanked the ELG members for their service and asked that the committee members be aware that there are many parents who are very concerned about Common Core. She asked the ELG to please investigate the standards on their behalf and open the issue back up, including how tax dollars will be spent and the subject material included in the standards.

06:22:15 **Gina Satterfield, Helena**, read a statement into the record defending her right to homeschool her children and in protest of Common Core Standards ([EXHIBIT 16](#)).

06:31:05 **Tim Ravndal, Townsend**, testified on the importance of transparency and his experience with his local school board regarding discussion of Common Core Standards. He said legislators were bypassed in the adoption process but left holding the bag for funding, and that the ELG should consider looking more closely at the LFD cost analysis of Common Core.

06:33:57 **Debra Lamm, Private Citizen, Taxpayer**, commented on her concerns about how the Common Core Standards were adopted by Montana that has resulted in a loss of local control. She reported on meetings going on around the country that have been organized due to concerns about Common Core. Ms. Lamm encouraged the ELG to investigate this issue.

*A letter from Ms. Caren McLane regarding her concerns about Common Core Standards was submitted into the record as public comment ([EXHIBIT 17](#)).*

**REVIEW OF JANUARY 30-31, 2014 MEETING AGENDA ITEMS; INSTRUCTIONS TO STAFF**

- 06:37:34 SEN. FACEY said that the January meeting date would have to be moved because of conflicts. Mr. McCracken said he would work with SEN. FACEY and the subcommittee chair on meeting times and details.
- 06:38:57 SEN. FACEY said that he planned to ask REP. HANSEN to chair the Subcommittee on Shared Policy Goals.
- 06:39:24 Mr. McCracken reviewed agenda items for the February 3 and 4, 2014, meeting: administrative rules report; updates from OPI and BPE; a progress report on HJR 2 ERM Work Group; the request to follow up on the Common Core adoption process, specifically the six questions raised at the September meeting; a panel discussion on the effects of SB 175 and other issues; REP. HANSEN's questions about the costs of implementation of Common Core, a staff brief on advisory councils and required reports, a report from the Bureau of Mines on 82-2-701, MCA, regarding gravel permitting, a panel on early childhood education, a presentation on current law and possible open enrollment policy changes.
- 06:41:32 SEN. FACEY asked ELG members to contact either himself or REP. JONES with questions, concerns, or meeting topics for the next meeting.
- 06:41:50 SEN. LEWIS said that the issues discussed by Mr. Olson are of concern to him. He asked if the League of Cities and Towns could be asked to submit a letter on the status of their liability insurance pool and reinsurance issues. He said that Mr. Nelson's testimony was a bit disquieting and that he would like more information. SEN. FACEY said a letter requesting that information on those topics would be sent to the League.
- 06:43:05 SEN. MOORE asked for a budget update. SEN. FACEY said Mr. McCracken indicated on his subcommittee memo that the ELG is operating under budget.

**ADJOURN**

- 06:43:42 With no further business before the committee, SEN. FACEY adjourned the meeting at 3:45 p.m. The Education and Local Government Interim Committee will meet next on February 3 and 4, 2014, in Helena, Montana.

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