

BOARD OF PUBLIC EDUCATION
MEETING MINUTES

June 7, 2006

Publicly Noticed Conference Call

CALL TO ORDER

Chairperson Kirk Miller called the conference call to order at 4:05 p.m. on Wednesday, June 7, 2006. Carol Will took roll call; a quorum was noted.

Those in attendance of the meeting included the following board members: Chairperson Kirk Miller, Vice Chairperson Diane Fladmo, Storrs Bishop, John Fuller, Patty Myers, and Angela McLean. Staff present in the conference call included Steve Meloy, Executive Secretary of the Board of Public Education, and Carol Will, Administrative Assistant, Board of Public Education. Ex-officio Board member Superintendent Linda McCulloch was present. Visitors in attendance of the conference call included Kris Wilkinson, LFD; Eric Feaver, MEA-MFT; Jim Standaert, LFD; and Joe Lamson, OPI.

PUBLIC COMMENT

There was no public comment at this time.

Item 1 Potential of a Resolution Addressing Constitutional Initiative-97

Mr. Steve Meloy, Executive Secretary, provided the background and context of the Board of Public Education's involvement in addressing CI-97.

- Board of Public Education announced this conference call publicly on its web site and the OPI's web site – It was written as the BPE proposes to discuss and possibly adopt language in reference to CI-97/SOS/TABOR
- Governor Schweitzer advised the Board of Education that the state of Colorado had passed a tax payer bill of rights initiative. Governor Schweitzer stated that there is a referendum being circulated for a similar initiative in Montana. He states that if the state of Montana passes this type of initiative there will be no way to make up for years of decreased funding. He invited the Board of Regents and the Board of Public Education to discuss a position of Constitutional Initiative 97. Steve Meloy received, on February 22, 2006, an e-mail from Jan Lombardi, Governor Schweitzer's Ed Policy Advisor, following up to the Governor's invitation from the Board of Education.
- Mr. Steve Meloy addressed a possible position of resolution under the Executive Secretary's report in the Board of Public Education May 11 – 12, 2006 meeting. Public comment was heard.
- Reviewed Montana Code Annotated 2-2-121
- Board of Regents faxed a copy of the language they were reviewing to the Board of Public Education at the May 11-12, 2006 meeting. The BPE reviewed the language. John Fuller made some suggested amendments to this language for review.
- Chairperson Dr. Kirk Miller recommended to the Board members at the May 11-12, 2006, meeting that they submit any possible suggestions or changes of the language to Executive Secretary Steve Meloy to distribute to all Board members prior to this scheduled conference call.
- Board of Regents unanimously passed a resolution expressing "grave concern" over the potential impact of state spending limits. This resolution was distributed to all BPE members prior to the conference call.

4:20 Diane Fladmo called in to the conference.

Board member discussion –

- Mr. John Fuller expressed his concern that the BPE make no judgments or statements regarding past policies and that the BPE makes sure we only make references to education and no other public services. The BPE is here to do the people's will for the education of the children in the state of Montana. Mr. John Fuller would like to strike the language "vital public service, particularly" written in the 4th WHEREAS. He would like to strike the entire 6th WHEREAS that states, "WHEREAS, the Board notes that the State of Montana has, during the past fifteen years, restricted education funding levels relative to the rest of the country, using any relative funding measures or indices; and to now impose prospective arbitrary funding limits would lock in or exacerbate the current uncompetitive funding positions; and." Mr. John Fuller would like to exchange the word "shortfall" for "inequities" in the final statement of the resolution.
- Ms. Angela McLean suggested that the Resolution of the Montana Board of Public Education Regarding the Impact of Constitutional Initiative 97's language be left as it is written because our school children are affected.
- Ms. Diane Fladmo agreed with Ms. Angela McLean that we keep the language as written.
- Mr. John Fuller agrees that we do have a role to play, but our constitutional responsibility is limited to education. He believes that we do not have influence over the other domains of public service.
- Dr. Kirk Miller compared the language that the Board of Regents used in their resolution on the 4th WHEREAS to what the BPE is considering to use on the same WHEREAS. Mr. Steve Meloy agreed with Dr. Kirk Miller that the Board of Regent's language is softer in regard to other public services.
- Superintendent Linda McCulloch stated that at the Board of Regent's meeting there was much discussion about the shortage of money in higher education. She also stated that there is a Supreme Court decision stating that there is a shortfall of money in the state for K-12 education. CI-97 is all about restrictions in funding. The Board of Regent's resolution has been reviewed extensively by attorneys. It is the opinion of Superintendent Linda McCulloch that there is nothing wrong with the original language of the BPE's proposed resolution.
- Mr. Storrs Bishop believed that the word "shortfalls" should remain in the resolution, but the word "inequities" should also be included. Mr. Storrs Bishop does agree with Mr. John Fuller that the BPE needs to be very careful about the BPE's constitutional authority.

Public Comment-

- Mr. Eric Feaver, MEA-MFT, supported the resolution as it was originally drafted. He opposed the resolution as amended by Mr. John Fuller.

MOTION: MS. ANGELA MCLEAN MOVED TO ADOPT THE RESOLUTION OF THE MONTANA BOARD OF PUBLIC EDUCATION AS IT IS WRITTEN WITHOUT THE AMENDMENTS FROM BOARD MEMBER MR. JOHN FULLER. SECONDED BY MS. PATTY MYERS.

Board and Public Discussion-

- Mr. Steve Meloy stated that the Board of Regent's Resolution was passed with advice from their legal council, Cathy Swift. Mr. Steve Meloy pointed out the differences between the two resolutions and addressed that the Board of Public Education's Resolution, if passed, would be viewed as more direct and succinct than the Board of Regent's Resolution in regards to MCA 2-2-121.
- Ms. Diane Fladmo asked if the BPE had the same opportunity to address legal review.
- Mr. Steve Meloy responded with "no." The BPE was depending on the lead of the attorney from the Commissioner's office. He would use the legal advice from an attorney from the Agency of Legal Services. He did not render these services as it was not requested by the BPE.
- Ms. Patty Myers asked if this motion needs to be tabled until the BPE seeks a legal opinion.

- Mr. Storrs Bishop was not as concerned about the legality issue but wondered if it wasn't presumptuous of the BPE to be so broad in its opposition and not giving specific emphasis to the impact on public education.
- Mr. Eric Feaver believed that BPE is advising the public on the implications of a ballot issue – CI-97. The BPE is not taking a position, but someone could certainly draw a conclusion that the BPE has taken a position, but that is their conclusion and not the BPE's. Mr. Eric Feaver does believe that the resolution as written in this motion does comply with MCA 2-2-121.

ROLECALL VOTE:

Chairperson, Kirk Miller	Yes
Vice Chairperson, Diane Fladmo	Yes
Patty Myers	Yes
Storrs Bishop	Yes
John Fuller	No
Angela McLean	Yes

MOTION PASSED 5 TO 1.

- Mr. John Fuller requested that the record shows that the vote was not unanimous. This needs to be stated in the press release as well.
- Mr. Steve Meloy will write a press release of this motion concerning the BPE's resolution and follow protocol.

Item 2 – 2007 School Funding Legislative Budget Proposals

- Mr. Steve Meloy provided an overview that Superintendent Linda McCulloch has extended the opportunity to the Board of Public Education to be involved in what she wants to present to the legislature for the '09 Biennium on behalf of the K-12 community. This proposal was presented to the BPE at the May 11-12, 2006 meeting and has not been amended. This is just one more opportunity to take a look at this proposal presented before the BPE.
- Superintendent Linda McCulloch stated that there should be no surprises on this proposal. The major proposals are listed, but some of the smaller items are not listed. Referred back to the complete presentation to the BPE at the May 11-12, 2006, meeting.
- Dr. Kirk Miller addressed that the board members have been given access to the unified budget documentation that was presented via letter from the Office of Budget Program and Planning. He stated that the present law adjustments are significantly larger than any other time. Dr. Kirk Miller requested that Superintendent Linda McCulloch address this issue.
- Superintendent Linda McCulloch stated that the present law and inflationary adjustments came about in the 2003 legislative session. These adjustments are based upon a national inflation figure for the first year in the next biennium is about 2.6 or 2.7% and the following year is expected to be a little higher to about 3% increase.
- Dr. Kirk Miller brought to the table the issue of health insurance and the possible inclusion of public schools getting on the statewide health insurance plan. He noted that this proposed budget contains \$200,000 to do a study to develop a statewide health insurance plan.
- Superintendent Linda McCulloch stated that the OPI has never conducted a study and felt strongly that one needs to be done.
- Mr. Eric Feaver supports Superintendent Linda McCulloch's proposal for the school employee health insurance study.

MOTION: MS. DIANE FLADMO MOVED TO SUPPORT THE PROPOSED BUDGET BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION FOR THE 2009 BIENNIUM. SECONDED BY MR. JOHN FULLER.

ROLL CALL VOTE:

Chairperson, Kirk Miller	Yes
Vice Chairperson, Diane Fladmo	Yes
Patty Myers	Yes

Storrs Bishop
John Fuller
Angela Mclean

Yes
Yes
Yes

MOTION PASSED UNANIMOUSLY.

**MOTION: MS. PATTY MYERS MOVED TO ADJOURN THE CONFERENCE CALL.
SECONDED BY MS. DIANE FLADMO. MOTION PASSED UNANIMOUSLY.**

Conference call was adjourned at 5:15 p.m.

APPROVED