

## Meeting Minutes, MQEC Board Meeting, Thursday, January 24, 2008

The meeting was convened by President Tom Cotton at 1:00 p.m. A quorum was present consisting of the following:

1. Bruce Messinger
2. Eric Feaver
3. Andy Holmlund
4. Harry Cheff
5. Lance Melton
6. Doug Sullivan
7. Darrell Rud
8. Mike Nicosia
9. Tom Cotton
10. Peter Marchi
11. Jack Copps

Member Erik Burke was absent.

### **1. Approval of Minutes from January 3, 2008**

A motion was made, seconded and passed to approve the January 3, 2008 minutes and the minutes from the previous year's annual meeting as presented. The motion passed unanimously.

### **2. Election of Officers**

The MQEC Board reached consensus without objection that officers from the previous year would remain the same for the coming year, with the exception of the position of Secretary, where Lance Melton will be serving as successor to Eric Feaver. It was also noted that the membership re-elected all sitting board members from the previous year.

### **3. Legal Options**

A motion was made by Lance Melton and seconded by Darrell Rud to direct Jim Molloy to pursue a petition for the state's compliance with its obligations under Article X of the Montana Constitution and the courts' decisions in Columbia Falls Elementary v. State and to seek relief before the courts, with the factual basis of the petition focused on the impending harm to schools projected in the FY09 school year. Discussion ensued.

A substitute motion was made by Eric Feaver and seconded by Bruce Messinger to direct Jim Molloy to file a status report before the courts outlining MQEC's views regarding the status of the state's compliance with Article X of the Montana Constitution and the courts' decisions in Columbia Falls Elementary v. State without a specific request for relief. Discussion ensued.

Eric Feaver explained the purpose of his substitute motion, outlining this history of school funding from 1991-2003 as well as the progress made by the state in the 2005 and 2007 sessions. Eric Feaver stated that it is wrong to launch new litigation on the premise that the Governor failed. Instead, MQEC should take the Governor up on his invitation to show where the money went and focus its efforts on continued progress in the 2009 Legislative Session.

Jack Copps identified budgeting challenges in Billings, including a demand of the teachers of that district for 4.2% on the base. Jack stated that he believes it is important that we find out where we stand on the constitutionality of the funding system, as an unconstitutional funding system is wrong and harms the interests of children.

Lance Melton suggested that the options before MQEC should be whether or not to go back to court. Going back to court with a status report that exhaustively identifies the state's failures under Columbia Falls Elementary v. State is going to be taken as a hostile move by the state whether we request specific relief or not.

Doug Sullivan stated that schools are not supposed to be funded on the basis of what is available, but rather on the basis of educational need. Budget Director David Ewer has said he will not negotiate with schools and that the amount of money provided will be based on what they believe is available.

Lance Melton asked Jim Molloy if a status report will invite a motion to dismiss by the state any less than a petition for relief. Jim Molloy replied that he did not know.

Lance Melton asked Jim Molloy if the mootness argument of the state is likely to be strengthened as time goes along. Jim Molloy responded that if further changes to the system are made, the state's arguments regarding mootness could be strengthened.

Mike Nicosia stated that MQEC needs to do something now and a status report without a request for relief will not do it.

Bruce Messinger stated that our communities don't fully understand the school funding issue. Community members are hearing a mixed message from the Governor and school officials. Educators need to take this opportunity and inform the community so they understand the school funding dilemma. Bruce expressed his belief that a status report is the right approach. It gives us a specific forum to advance our remedy and to explain the state's failures. A petition for relief, on the other hand, will alienate us from policymakers.

The previous question was called and no one objected. Eric Feaver called for a roll call vote on his substitute motion. The motion failed on the following vote:

**Those Voting Yes**

Eric Feaver  
Bruce Messinger

**Those Voting No**

Tom Cotton  
Peter Marchi  
Mike Nicosia  
Darrell Rud  
Andy Holmlund  
Doug Sullivan  
Jack Copps  
Harry Cheff  
Lance Melton

The previous question on the underlying motion was called and no one objected. Doug Sullivan called for a roll call vote on the underlying motion. The motion to file a petition for relief passed on the following vote:

**Those Voting Yes**

Tom Cotton  
Peter Marchi  
Mike Nicosia  
Darrell Rud  
Andy Holmlund  
Doug Sullivan  
Jack Copps  
Harry Cheff  
Lance Melton

**Those Voting No**

Eric Feaver  
Bruce Messinger

**Adjournment:** The meeting was adjourned at 1:50 p.m.