

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on January 27, 1989, at
3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council Researcher

Announcements/Discussion: None

HEARING ON HOUSE BILL 299

Presentation and Opening Statement by Sponsor:

Rep. Kelly Addy, District 94, Billings stated HB 299 would require the establishment of single member trustee districts in every school district in which 40,000 or more people reside. Rep. Addy said he thought he'd see consolidation of schools in the rural areas of Montana first however, he said consolidation has already happened in Billings and will continue to happen especially in the elementary districts of larger Montana cities. The geographic impact is limited to the larger communities where there tends to be a diversity of neighborhoods. Rep. Addy said virtually all the school board members who participated in the decision to close North Park School in Billings lived in the West End section of Billings and by the time the people living in the area of the school realized how serious the board was about closing the school the decision was 90% made.

Testifying Proponents and Who They Represent:

Phil Campbell, Montana Education Association (MEA)

Proponent Testimony:

Phil Campbell stated HB 299 is a good bill but does not go far enough in his estimation. Mr. Campbell said the population figure of \$40,000 should be taken out of the bill. He said

currently trustees are being elected on property valuation and having nothing to do with population which is clearly unconstitutional.

Testifying Opponents and Who They Represent:

Bruce Moerer, Montana School Boards Association (MSBA)
Phil Brooks, Chairman, Helena School Board

Opponent Testimony:

Bruce Moerer stated amending HB 299 making it applicable to elementary districts only would solve many of the problems. He said there are many situations where elementary and high school boundaries are not continuous. The elementary and high school districts would have to be reapportioned separately or the law would need to change that automatically allows the elementary trustees to sit on the high school board. This would require two separate boards and the only way to make single member districts the same for both districts would be to have K-12 unification which the MSBA is definitely opposed to.

Phil Brooks said board members elected on an at large basis provides a district wide perspective when dealing with issues. He said the idea of attempting to get minority representation on school boards is a worthwhile objective. Mr. Brooks also stated he would support an amendment making it applicable to elementary districts only and an additional amendment changing the population figure to 70,000 making the bill applicable to Great Falls and Billings.

Questions From Committee Members: Rep. Phillips asked Rep. Addy if HB 299 takes away local control and Rep. Addy replied no, the people who live in the North Park area of Billings have absolutely no control over what the school board does right now.

Closing by Sponsor: Rep. Addy thanked the committee and said he would hope for a DO PASS vote on HB 299.

HEARING ON HOUSE BILL 126

Presentation and Opening Statement by Sponsor:

Rep. Budd Gould, District 61, Missoula stated that in view of what is happening with the University System and the Accreditation Standards there is a great deal of concern about monies being spent on bone-head math and english in our colleges and universities. Rep. Gould said if a 2.0 Grade Point Average for participation in extra-curricular activities had been implemented years ago in our high schools more students would have applied themselves in order

to participate and the necessity for funding the lower levels of academic classes would not be so great.

Testifying Proponents and Who They Represent:

John Washburn, Private Citizen, Missoula

Proponent Testimony:

John Washburn stated there is a great need to upgrade our school system in Montana and HB 126 would be a starting point by requiring students to keep their grades up in order to participate in extra-curricular activities.

Testifying Opponents and Who They Represent:

Chip Erdmann, Local Control
Jack Copps, Office of Public Instruction (OPI)
Bruce Moerer, Montana School Boards Association (MSBA)
Dave Bishop, School Administrators of Montana (SAM)
Phil Campbell, Montana Education Association (MEA)
Lorna Frank, Farm Bureau
Rep. Dan Harrington, District 68, Butte

Opponent Testimony:

Chip Erdmann said he is not against the 2.0 GPA for participation in extra-curricular activities but that it should be a local decision. Mr. Erdmann stressed that in the 1889 Constitution the State Board of Public Education had the supervision and control of school districts and when the 1972 Constitution came along the control of schools was moved back down to the local school boards. The general supervision was left with the State Board of Public Education but school boards and school districts in Montana were created as the only constitutionally recognized school board system in the United States. He went on to say that local trustees are elected to reflect what the local community desires. In some areas of Montana there are lower standards and in some higher standards with local trustees reflecting the wishes of their local communities when they adopt the rules for their districts. Mr. Erdmann also stated that in the case of Helena, the Supreme Court decision said the local board had the right to set the standards for the district.

Jack Copps stated support for the 2.0 GPA but also believes it is a matter of local control in each district. He said there is nothing magic about a 2.0 GPA which may actually equal a 1.5 GPA depending on the district. Mr. Copps also stated there needs to be definite consideration for Special Education students.

Bruce Moerer said the bill takes the flexibility away from local trustees and prohibits them from enacting a higher GPA

if they desire to do so. The bill doesn't take into consideration any special circumstances for special groups of students. He also said the Constitution gives the control to local school boards and the answer is not with the Legislature. People who are not satisfied with district standards should register their complaints at the ballot box.

Dave Bishop stated opposition to HB 126 for many of the previously mentioned reasons.

Phil Campbell said he tends to agree with high standards but doesn't think it the place of the Legislature to decide what local standards should be.

Lorna Frank (EXHIBIT 1.)

Rep. Dan Harrington stated that in his 28 years of teaching he has taught many students who work very hard and to the top of their capacity and cannot attain a 2.0 GPA. He said there are many levels of learning ability and a bill of this magnitude would exclude those students from participation in athletics and other extra-curricular activities. In many cases teachers would feel compelled to possibly upgrade a student's grade in order to allow them to participate. Rep. Harrington concluded his remarks by stressing the fact that high school is not on a college level and flexibility in academics must continue in education.

Questions From Committee Members: Rep. Simpkins asked Jack Copps if students receive credits for participation in band and he replied that in a majority of school systems they do. Rep. Simpkins said this could become a problem of excluding students from receiving credits and then it becomes a question of privilege to be a member of these groups and organizations rather than an educational right. Mr. Copps also stated other academic activities such as VICA, DECA and Science Club in which students receive no credit would also be under the 2.0 GPA exclusion.

Closing by Sponsor: Rep. Gould thanked the committee and said the most important thing is for Montana's students to receive a quality education. He said in many instances school districts take all the money the State will give them and do not want to be told how to facilitate a more quality education. Rep. Gould concluded by saying it is incumbent to receive value for what we pay for and to give our young Montanan's a quality education so they can read, write and do mathematics in today's world.

HEARING ON HOUSE BILL 376

Presentation and Opening Statement by Sponsor:

Rep. Budd Gould, District 61, Missoula stated that HB 376 would allow home school students to participate in certain activities in the local school districts where they reside and is an issue of fairness. He said these people are paying as much in taxes as those using the public schools on a full-time basis. Rep. Gould also said the bill contains a section where a district can require a student to be tested to make certain he or she is attempting to do the proper type of scholastics for their age.

Testifying Proponents and Who They Represent:

Myrl Swanson, Private Citizen, Troy, Montana
Pascal Redfern, Private Citizen, Missoula, Montana
Carol Elson, Private Citizen, Missoula, Montana

Proponent Testimony:

Myrl Swanson, (EXHIBIT 2.)

Pascal Redfern stated that he home schools his six children due to the "valueless and contentless" education received in the public schools. He said he has been told of the possible administrative problems as well as district liability however, the fact remains people that home school their children own property and pay taxes in Montana and deserve equal access. Mr. Redfern also said his view of a high school education is one in which students should be allowed to attend even on a part-time basis much like college, taking certain classes to enhance their educational endeavors.

Carol Elson who home schools her four children stated that HB 376 could provide for a good relationship between the State and parents who both have a very compelling interest in educating the youth of Montana. She said the State would do well to look at HB 376 as a creative option to supplement the skills already being given free to society by those home schooling their children. This bill would offer more options of cooperation between home schoolers and the State and would hopefully reflect the ideals of freedom and creativity that America and the State of Montana should be known for.

Testifying Opponents and Who They Represent:

Jack Copps, Office of Public Instruction (OPI)
Bruce Moerer, Montana School Boards Association (MSBA)
Chip Erdmann, Local Control
Dave Bishop, School Administrators of Montana (SAM)
Phil Campbell, Montana Education Association (MEA)

Opponent Testimony:

Jack Copps wanted to make it very clear that OPI does not rise in opposition to home schools and understands the spirit and good intentions of HB 376. However, Mr. Copps said the bill as currently written would open the door for abuse of the system. For example, an athlete who is not currently meeting the MHSAA standards or a 2.0 GPA in a particular school district could simply home school in the classes where failure has occurred and satisfy the requirement there. He said the bill doesn't offer a clear definition of part-time - does this mean occasional? Mr. Copps said there could also be a transportation rights problem and class and time scheduling nightmares.

Bruce Moerer expressed practical aspect concerns and administrative problems as well as the liability question. He also said the teachers would be caught in the nightmare of trying to account for students coming in and out of classes at various times of day.

Chip Erdmann said there are trade-offs in this society and the parents of home schoolers have made the choice of educating at home and should not be allowed to pick and choose what they wish to take from the public school system causing the many already discussed administrative and practical problems. He said the educational system is there to use on a full-time basis if the home schoolers desire to do so.

Dave Bishop agreed with Mr. Erdmann in that there are choices in our lives we have to make. He also pointed out the impossible task of trying to mingle the two systems of education resulting in litigation due to insurance and other administrative problems.

Phil Campbell stood in opposition to HB 376 for many of the previously expressed reasons.

Questions From Committee Members: Rep. Darko asked Jack Copps if he felt home schoolers would most likely come in to use the more expensive classes such as vocational education and band and he replied he was not sure but it was a definite possibility. Rep. Darko also asked Mr. Copps if Montana has stringent rules and requirements in relation to other states for the setting up and monitoring of home schools. Mr. Copps answered that Montana's requirements are not stringent but he didn't know about other states.

Rep. Glaser asked Bruce Moerer if school facilities are commonly used in the evenings by various civic groups and Mr. Moerer said it depends on each district policy. Rep. Glaser then asked Bruce Moerer if this means home

schoolers could use the facilities and he replied he

assumed it would again depend on a district by district basis.

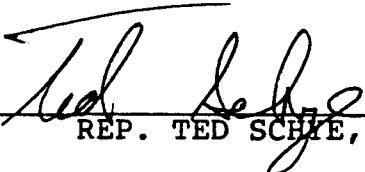
- Rep. Wallin asked Jack Copps if he would be willing to sit down and iron out various details and problems in HB 376 to come up with a suitable solution for all and he replied he would be willing however, he stressed there will be a multitude of managerial problems. Rep. Wallin also asked Mr. Copps if schools receive more of their monies from the local level taxpayers than from the State and Mr. Copps said the local monies account for approximately 30% of funding.
- Rep. Simpkins asked Mr. Redfern if the local schools in his district cooperate with home school participants and Mr. Redfern answered they do cooperate at times but in most instances are viewed as competition.
- Rep. Gervais asked Dave Bishop if he thought local school districts could work out a schedule that would alleviate the liability and not disrupt the system. Mr. Bishop replied he could see no problem with a group of home schoolers using a school facility from time to time however, to institute a full-blown system of allowing home schoolers to float in and out of the public schools would be an impossible nightmare.
- Rep. Johnson asked Pascal Redfern about the numbers discrepancy. With Mr. Copps speculating a number of 700+ home schoolers in Montana at this time and Mr. Redfern saying there is about five times that number where does the difference lie? Mr. Redfern answered the discrepancy is due to the ambiguity in the law about reporting.
- Rep. Eudaily asked Jack Copps if the public schools are currently responsible for the special education of home schoolers and he answered that he did not believe so.
- Rep. Darko asked Pascal Redfern how home schoolers get into colleges and are diplomas awarded and he answered that many families have graduation ceremonies. He also said that most Montana home schoolers are young and haven't faced this yet but that probably they would need to pass an entrance examination of some type.
- Rep. Schye asked Mr. Redfern if the annual reporting and testing contained in the bill would be a problem to comply with and Mr. Redfern replied that those choosing to participate would comply.

Closing by Sponsor: Rep. Gould thanked the committee and said HB

376 is a bill to carefully consider and one that could make life much richer for the students being home schooled.

ADJOURNMENT

Adjournment At: 5:30 p.m.



REP. TED SCHIE, Chairman

TS/dlm

2304.min

DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES COMMITTEE

DATE January 27, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ted Schye, Chairman	✓		
Rep. Fritz Daily, Vice-Chairman	✓		
Rep. Vicki Cocchiarella	✓		
Rep. Paula Darko	✓		
Rep. Ervin Davis	✓		
Rep. Ralph Eudaily	✓		
Rep. Floyd Gervais	✓		
Rep. Bill Glaser	✓		
Rep. Dan Harrington	✓		
Rep. John Johnson	✓		
Rep. Tom Kilpatrick	✓		
Rep. Richard Nelson	✓		
Rep. John Phillips	✓		
Rep. Richard Simpkins	✓		
Rep. Wilbur Spring, Jr.	✓		
Rep. Barry "Spook" Stang	✓		
Rep. Fred Thomas	✓		
Rep. Norm Wallin	✓		
Rep. Diana Wyatt	✓		
Rep. Tom Zook	✓		



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

EXHIBIT 1
DATE 1-27-89
HB 126

BILL # HB 126 ; TESTIMONY BY: Lorna Frank

DATE 1/27/89 ; SUPPORT ~~no~~ ; OPPOSE yes

Mr. Chairman, Members of the Committee, for the record my name is Lorna Frank, representing 3600 Farm Bureau members throughout the State.

Farm Bureau supports the concept of HB 126, but we feel there is a conflict within the bill.

Page 1, line 25 states that trustees shall establish a district policy on participation in extra-curricular activities.

Page 2, section 3, line 23 and 24 says the trustees of each district may establish a policy on participation in extra-curricular activities.

We recommend the word shall be changed to may on page 1, line 25. This would ~~would~~ allow the trustees the discretion of establishing such a policy. Farm Bureau does not feel this should be tied to State Foundation funding.

SIGNED: Lorna Frank

January 23, 1989

To Whom It May Concern:

Regarding Home Schooling in Montana, Participation by home school pupil in certain public school activities. As concerned parents of four children and after much reserch, studying of history of compulsory education laws in the United States, and state level relating to home schools, is the importance that the child is to be educated, not to advance his personal interest, but because the state will suffer if he is not educated. Not only with education, but particular social class, and social interaction among classes. To improve the quality of the Labor force, benefits industry, social equality and personal mobility.

Let me mention there are really only two kinds of socialization, age-integrated, and age-segregated, unfortunately. What usually goes on in day school is age-segregated socialization. A child is pressured to adopt the habits and attitudes of peers, while his identity in reference to home and church is frequently attacked. Steady contact with parents and older and younger siblings provided by home schooling, on the other hand, offers age-integrated socialization, resulting in children who know how to relate to and get along with people of all ages. Home schooled children have more, not less contact with people if their parents practice hospitality. Children enjoy having contact with a few-age-mates however. This is necessary in order for them to develop personal friendship. Such wholesome

friendship can be rewarding if given, wise counsel and parental supervision. But kids don't normally find that in a classroom setting. It is when they participate in projects and service events with a few other children that friendship develops. Extracurricular activities such as sports clubs, scouting, and so on, can afford wholesome friendships. In our home further social contacts come from church activities, get-togethers with family and friends, and joint activities such as field trips with support groups. When you stop and think of all the opportunities available for social contact and growth with peers, you realize a classroom experience isn't so necessary after all. We as parents act as the gatekeepers of our children's experience, regulating his access to the world.

and the world's access to him. By being with them most of the time, we can help them understand what's happening around them, as well as teach them how they can respond from a Christian perspective. Home schooling, isn't an attempt to run from the world, but a simple, realistic recognition of how best to train a child to deal with that world at the appropriate time, and that appropriate time is after the child has proved his maturity and Christian character at home. Please remember, home schooling is no novelty. It was the norm until very recently, and besides, God has given the parent the soul responsibility to teach a child in the way he should go. The object of education is to prepare the young to educate themselves throughout their

lives. Which is the transmission of
civilization. It is the laboratory of life.

In Support of
Bill # LC 1012/01
House Bill # 376

Myrl L. Swanson
Sunnett C. Swanson
Dolly M. Swanson
Myrl L. Swanson

1/23/89

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEE

BILL NO. 126

DATE January 27, 1989

SPONSOR Gould

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
John W. Washburn	12505 Flora Dr. MSLA	✓	
DORIS E. WASHBURN	12505 FLORA DR. M.S.L.A.	✓	
Phyllis B. Clouse	3000 Villard # 209 Helena	✓	
Gay Daney	Victor MT	✓	
Lorna Frank	622 Breckenridge Helena		✓
Bruce W. Boeres	MSBA		✓
Myrl R. Swenson	TROY MT. Box 207 59735	✓	
Phil Campbell	NEA		✓
Paul King	VTM		✓
Chip Fromann	Local Central		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.
PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEE

BILL NO. 376

DATE January 27, 1989

SPONSOR Gould

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
SALLY E. DOBBINS	PO Box 24 Ft Shaw	?	
Leslie Bouchard	HC 68 Box 8451 Glendive MT	?	
Jayne Aston	PO Box 886 Townsend MT	✓	
Paula E. Rasmussen	P.O. Box 156 White Sulphur Springs MT	?	
Jean Copps	OPE		✓
Pascal Redfern	P.O. Box 3228 MSLA.	✓	
Bruce W. Meever	MSA		✓
Phil Campbell	MEA		✓
Paul Hilly	MSA		✓
CHIP EDMANN	Local Council		X

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