

JUN 18 1988

OF MONTANA

STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 8-88

EXECUTIVE ORDER CREATING
THE PUBLIC SCHOOL FINANCING ADVISORY COUNCIL

WHEREAS, Montana has, since 1949, funded the operations of public elementary and secondary schools through the School Foundation Program, and,

WHEREAS, the Foundation Program has provided funds from a variety of state and local sources, including a voted levy on property at the local level, and,

WHEREAS, the Court of the First Judicial District of Montana has found that funding inequities exist among school districts that are otherwise comparable, but have wide variation in the value of property within them, and

WHEREAS, the Court has further found that such funding inequities unconstitutionally deny citizens of the state equal protection and equal educational opportunity; and

WHEREAS, the Court has given the State of Montana until October 1, 1989, to establish a system of funding public schools that meets constitutional requirement; and

WHEREAS, the decision of the First Judicial District Court has been appealed to the Montana Supreme Court, but an affirmation there in whole or in part may still require the state to restructure the Foundation Program; and

WHEREAS, careful consideration of possible alternatives to current law prior to the 51st Legislature will give lawmakers an opportunity to modify any unconstitutional features of school financing statutes during their regular session.

NOW, THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, by virtue of the authority vested in me by 2-15-122, MCA, do hereby create the Public School Financing Advisory Council.

I. PURPOSE

The Council shall:

- a. Study the opinion, order and findings of the District Court of the First Judicial District of Montana dated January 13, 1988, to determine what changes in existing school finance statutes might be necessary to comply with the decision of the Court;
- b. Seek the advice of education officials, officers of state government, taxpayers and citizens as to the desirability and effect of any such changes;
- c. Compute the fiscal impact of any such changes on all affected levels of government;
- d. Evaluate the extent to which any such changes preserve the principle of local control of schools embodied in the Montana Constitution, while at the same time complying with the Court's decision; and
- e. Recommend to the Governor by October 1, 1988, a prioritized list of alternatives that will likely correct the constitutional flaws in the Foundation Program described in the Court's decision while ensuring that Montana continues to provide high quality educational opportunity to its citizens.

II. COMPOSITION

The Council shall have 5 members, consisting of the following persons:

Richard C. Bennett
315 27th Street South
Great Falls, MT 59401
721-2100

Michael E Grove
Box 581
White Sul. Sprgs, MT 59645
547-3331

David L. Hunter, Chief
Office of Budget & Program Planning
State Capitol
Helena, MT 59620
444-3616

Susan M. Lacosta
433 2nd Street
Whitefish, MT 59937
862-2528

Antoinette Fraser Rosell
4200 Rimrock Road
Billings, MT 59101
656-4226

Mr. Hunter will chair the Council.

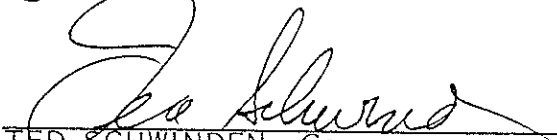
III. COMPENSATION

Council members eligible for compensation under 2-15-122(3) shall be paid \$25.00 for each day actually and necessarily engaged in performance of Council duties. All council members shall be reimbursed for travel expenses pursuant to 2-15-122(5).

IV. DURATION

The Council shall continue to exist until May 1, 1989.

GIVEN my hand and the GREAT SEAL of the State of Montana, this 7th day of June, in the year of our LORD, One Thousand, Nine Hundred and Eighty-Eight.


TED SCHWINDEN, Governor

ATTEST:


VERNER L. BERTELSEN, Secretary of State