

EDUCATION COMMITTEE

January 7, 1977

The committee was called to order at 3:50 p.m., with all members present except Reps. Kennerly and Kvaalen, who were excused.

The Chairperson distributed a memo from the Superintendent of Public Instruction, which is attached.

Dorothy Eck appeared before the committee to discuss the Constitutional Convention and the new Constitutional provisions for education.

There was dissatisfaction with the old Board of Education, and problems because of the number of units, duplication of curriculum and the way the Board meetings were conducted. Sometimes representatives of the university system had to sit for 2 days waiting for public school business to be settled.

Ms. Eck was not on the Education Committee of the Constitutional Convention, but it was generally accepted that there would be 2 boards; the Board of Regents and the Board of Public Education. The problem with the Board of Public Education is that it is an appointed body headed by an elected official. Delegates knew there would be a lot of resistance to eliminating an elected Superintendent. This is the reason the office was left with an elected superintendent.

The substantive change was putting in a Commissioner of Higher Education with real authority as the executive officer of the university system. The delegates' intent was to make sure that the Regents were really in control of the university system, and they are now beginning to work as a unit in many areas, i.e., curriculum. There was discussion of the use of the term chancellor rather than commissioner--commissioner was chosen because of an old scandal involving the chancellor. There was also a proposal to have a unified system with all education under one commissioner. There was discussion on having a department of education that covered kindergarten through college.

Another point of difference which the delegates left to the Legislature was vocational education. There were many possibilities but there was no way of telling how permanently vocational education would be handled. The new proposal of handling vocational education through the Board of Public Education is the kind of thing the Constitutional Convention would have approved.

The autonomy of the Board of Regents was also controversial. Many times a proposal for Legislative control of finance was submitted, but it was always defeated. The Regents merely submit a unified budget.

The delegates left the assignment of the Superintendent of Public Instruction's duties to the Legislature in order to leave flexibility. About 60% of the delegates would have preferred a system with many fewer elected officials. It was a matter of practicality to leave them in, because people would not have voted for the new Constitution if they had been eliminated. There was a great fear of having too much power centered in the Governor or leaving too much to the Legislature. However, the Legislature can change the duties of elected officials.

Election of the Boards of Education and Regents were also discussed. The delegates knew there was a better chance of getting an effective board through nomination than through election.

Other areas of controversy were financial. The delegates maintained the legislative audit of the University System with very strong feeling that it should be a post audit; that the Legislature should not be involved or in a position of approving items before they are spent except for total budget. There were provisions that would require university system to operate under the state accounting system, but those were deleted. There was a proposal that would have adopted an accounting system compatible with the state system but it was also left out.

There were also proposals to state in the Constitution what kind of system we should provide. The final wording said a basic system of quality education and it was recognized that Montana would abide by court cases requiring equalization of funding.

The delegates discussed giving the Boards of Regents autonomy but decided to make them responsible to the Legislature for the budget alone. Community colleges were also discussed, but at that time the feeling was that they would be a community responsibility.

The Convention did not see universities as government, and therefore did not see that they should be under the control of the government. The university system presents its budget to the Legislature and it is more like a contract for payment than government funding of its branches. The Legislature very definitely has the right to set the level of funding but not where the money is spent. The Legislature does not have much control over the accounting system of the university system. However, the Board of Regents had made their budgeting system uniform.

There was a short discussion on nation-wide accounting system for universities, and the Statewide Budgeting and Accounting System, SBIS, which are not compatible.

The witness was thanked and excused. There being no further business, the meeting adjourned at 4:45 p.m.

January 7, 1977

To: All Legislators
From: GEORGIA RICE, Superintendent of Public Instruction
Re: Office of Public Instruction Staff Aid to Legislators

I would like to take this opportunity to invite all legislators seeking information regarding educational matters to make use of the expertise and data available within the Office of Public Instruction. My staff has been informed that for the present, in addition to performing their regular services for the citizens of Montana, they are to avail themselves to any legislator seeking information. However, at this time, my staff will remain in their offices except upon request from a legislator. I do hope that you will respect their schedules and have patience in awaiting a response.

In addition, the Office of Public Instruction will be happy to assist in the provision of audio-visual equipment for any legislator. Please call 449-2082 for this type of assistance.

Although I encourage you to call on any member of my staff, the following persons will be able to help you or direct you to the appropriate personnel.

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| Georgia Rice | Superintendent of Public Instruction | 449-3654 |
| Alve Thomas | Administrator Department of Basic Instructional Services (includes adult education, special education, Indian education and other general education areas) | 449-2082 |
| Bob Stockton | Administrator Department of Financial Services | 449-3167 |
| Gordon Warner | Assistant Superintendent/Director Department of Vocational and Occupational Services | 449-3126 |

cc: Office of Public Instruction Staff