

EDUCATION COMMITTEE

January 10, 1977

The meeting was called to order at 3:30 p.m., with all members present.

House Bill 56 was discussed. Rep. Gerke, chief sponsor, said that the purpose of this bill is to change the title of Eastern Montana College to University. He gave a brief outline of the school's history, and commented that it has grown. There will be no extra cost involved in this name change, and it is not a move toward duplication with Bozeman and Missoula. It simply provides a title that recognizes the current status of the institution. EMC does provide graduate training in education. The specific advantages to changing the name are: (1) to improve the competitive position of the graduates on the job market; (2) faculty members will be in a better position to apply for federal grants; (3) to improve faculty status with other units of the system; and (4) to improve morale of the faculty. A letter from the Associated Students was submitted as evidence (attached). This name change has not been approved or disapproved by the Board of Regents, but they are aware of it. Having EMC designated as a university will not cause the graduate programs to expand. Mr. Gerke believes that EMC will expand in any case because of its location in the growing eastern section of the state.

House Bill 59 was discussed. Rep. Marks, chief sponsor, said this bill provides a new statute regarding legislative interns. After a study by the university units, the Legislative Council members suggest that interns be given a stipend. Some of the students come from private schools and there might be a problem with the Constitutional restriction on separation of church and state, so we decided to ask interns to work for the Council on a part-time basis for a minimum wage. Then a problem arose with the minimum wage because pages earn more than that. Rep. Marks proposed an amendment to strike the last line of the bill and insert "Compensation shall be set by the Legislative Council." Funds for this will come from the Council appropriation. The interns are chosen by the Council rather than the Legislative Administration Committee and that is why their salary will be left to the Council. The interns would only be paid for 10 hours work a week no matter how many they work and they would get no fringe benefits. Rep. Kvaalen suggested changing "shall" to "may" on page 2 of the bill.

The hearing recessed at 4:04 p.m., and moved to the Senate Chambers.

House Bill 69 was heard. Rep. Gunderson, chief sponsor, said that the bill will authorize the Board of Public Education to employ an executive officer to administer the vocational education program for the state. He went through the bill section by section and explained each.

Proponents of the bill were: Larry Pettit, Mrs. Marjorie King, Richard Bennett, Mrs. Harriet Meloy, Joseph Lutz, George Zellech and Chris Birkelo.

Opponents of the bill were: Gordon Warner, Luther Lalum, Larrae Rocheleau, Constance Skousen, Chuck Dillon, Rae M. Haas, Jim Palmer and Neil Hellickson.

Testimony of witnesses is attached.

Rep. Gunderson closed by saying that there are no personalities involved in this question because there is a new Superintendent. His concern is that the students of the state be served. In the past there has been poor control over vocational education funds. The basic question is not whether the Board of Education should make policy. They do, by law--but they do not have any way to implement policy if the Superintendent does not want to cooperate. This change will not involve more paperwork or less funds for vocational education at the local level.

There being no further testimony, the meeting adjourned at 5:30 p.m.

Senator Blaylock took over the chair for a short joint meeting of the House and Senate Education Committees to hear a presentation by Judith Olson from South Dakota. (attached).

There being no further business, the hearing closed at 5:35 p.m.

TESTIMONY IN SUPPORT OF HB 69

Marjorie W. King, member

Board of Public Education

January 10, 1977

I am sure you will hear and receive written testimony from a good many other professional and lay people as to why we ask you to support HB 69 and a change in the governance structure of vocational education. I will leave that documentation to them.

I feel compelled to talk to you about some of the history of where we are and why. Those of you who served in the legislature two years ago may be perplexed as to why the Board of Public Education is supporting this particular legislation when two years ago we opposed a governance change.

Certainly, I personally struggled to find firm grounds for compromise and mutual agreement with the executive officer for vocational education so that we might salvage the good aspects of the present system, and yet give the board a basis for discharging its responsibilities. No one hates bureaucratic growth more than I do and yet the board's experiences during the past two years make me believe the present system lends itself to inefficiency and buck-passing - poor decision making - and ultimately costly mistakes.

I have never waived in my belief that a board can not function without some kind of professional staff responsible solely to that board. I believe you, as legislators, are asking far too much of a board - and deceiving yourselves - when you give a board specific powers and duties and then tell that board who they must rely upon for information and recommendations.

I had hoped the board could solve part of this problem in vocational education by hiring a coordinator to answer to the board and serve as a consultant in professional decision-making. We went through a fruitless process of writing job descriptions, interviewing candidates and eventually hiring an individual to serve in this capacity. The position proved to be untenable. Without proper resources and information, access to staff and files and independent working conditions, it was doomed.

We had been warned this would be the case. I do not like to be wrong but I know that this effort to compromise and avert an overall change in the vocational education governance structure failed. I was wrong.

Once the board accepted the total defeat we felt, we began to examine in every detail what our choices were. The choices were quite simple - 1) accept the status quo, or 2) re-write policy and/or new legislation.

We felt the emotionalism of the issue perhaps was clouding our view of the total picture and that we were spending too much effort looking at isolated, petty, and sometimes personal problems. At that juncture the board unanimously decided to hire a team of outside consultants familiar with Montana education, politics, and law but people with no personal involvement in this vocational issue. We chose three outstanding people, I believe, who served us well--one an educator, one a man with a good deal of public administrative background and one a lawyer.

Ultimately these consultants asked us several key questions:

"Do you want to exercise your authority as 'approval authority' or as 'directive authority?'"

"Do you want to act as a passive board or as an active board?"

"Can you discharge your responsibilities as the 'sole governing agency' in a passive manner?"

And our question to them was, "Do we have the authority to be a directive board?"

The lawyer researched the laws giving us our jurisdiction and it was his opinion we not only had the authority but we had the obligation to be a policy making body. I have attached a copy of the paper he wrote to us on this subject so that it will be available to you.

As a result of these and many other long hours of deliberations, on March 3, 1976 the board unanimously passed the following resolution:

"Whereas the State Board of Public Education is mandated by the Constitution of the State of Montana and relevant state and federal laws to be the state authority for all programs of vocational education, and whereas said Board is responsible for establishing policies for the governance, management and administration of all programs of vocational education, now therefore be it resolved:

In light of the mandate to the Board of Public Education, the Board resolves to pursue vigorously the development of an operational plan and formulation of policies which will include but not be limited to:

1. the authority to appoint the executive officer for vocational education
2. the authority to accept all funds for vocational education
3. formulate policies for:
 - a) program planning
 - b) program development
 - c) program standards
 - d) program approval
 - e) program monitoring
 - f) program evaluation
 - g) reporting to the board
 - h) coordinating with the Office of the State Superintendent of Public Instruction and other pertinent agencies

The vocational education committee of the Board of Public Education is directed to develop drafts of an operational plan and policies which will implement this resolution. Further the vocational education committee is directed to coordinate this endeavor with the consultants retained by the board."

We interviewed several consultants from in and out of state to determine how we might best follow through on implementing our plan. Ultimately Dr. Larry Key was retained on a contract basis to carry out the mandate of our resolution. We think he has done a tremendous service for us. I hope you will have an opportunity to review the policies he has developed for the board as well as the informational material he has gathered to substantiate our legislative request.

This is only a brief summation of the process we have been through. We have

made every effort to involve the Montana State Advisory Council for Vocational Education and other interested groups and individuals. We have utilized resource material from both in and out of state.

We know the most formidable argument against this governance change is that it will duplicate services and lead to bureaucratic growth - another agency - another office - more staff - and that it will splinter education. These are the very reasons I was reluctant to support a governance change two years ago, but, not only do I see no alternative if the Board of Public Education is to be the sole governing agency, I find after thoroughly studying the policies developed by Dr. Key that this type of strong centralized system will be efficient and manageable. We are NOT creating a new agency--we are moving one, complete with staff, so that it is under one jurisdictional body (our board) rather than two. It is a simplified structure. If there is a small duplication of staff in the areas of home economics and industrial arts, this duplication will more than be offset by the knowledge that duplication of high cost programs in the post-secondary area will be closely monitored and evaluated.

The constitution charges the Board of Public Education with the "general supervision of the public school system and such other public educational institutions as may be assigned by law." Surely we are not splintering education by placing vocational education solely under this board.

LAW OFFICES
BOONE, KARLBERG & HADDON

FIRST NATIONAL BANK BUILDING
MISSOULA, MONTANA 59801

W. T. STONE
J. E. KARLBERG
THOMAS H. BOONE
DAN E. HADDON

TELEPHONE
543-0646
AREA CODE 406

January 30, 1976

TO: MEMBERS OF MONTANA BOARD OF PUBLIC EDUCATION
RE: VOCATIONAL EDUCATION POLICIES

The Vocational Education Committee of the Board of Public Education (hereinafter "Board") at its meeting in Missoula on January 7, 1976, voted to engage Dr. Joseph R. Crowley, Mr. Edward W. Nelson and our office to assist the Board in writing of policies for vocational education in Montana. This memorandum is presented in the interest in aiding the Board in analyzing its constitutional and statutory authority and mandate in carrying out this task.

The Board is a constitutional board provided for by Article X, Section 9, Subsection (3), of the 1972 Montana constitution. The specific constitutional section provides:

"(a) There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law.

(b) The board consists of seven members appointed by the governor, and confirmed by the senate, to overlapping terms as provided by law. The governor, commissioner of higher education and state superintendent of public instruction shall be ex officio non-voting members of the board."

The Board is a quasi judicial body entitled to exercise discretionary powers within the framework of the law. The lawful exercise of its discretionary powers are not subject to review. State v. Cooney, 102 Mont. 521, 524-25, 59 P.2d 48 (1936).

The responsibilities of the Board clearly extend to vocational education as a part of the public school system of the state. In the recent case of Board of Public Education v. Judge, 538 P.2d 11, 14 (Mont. 1975), the Montana Supreme Court considered this point in the following language:

"There was no question but that it was intended that vocational education was to be a responsibility of the Board of Public Education."

In order to determine the extent of the Board's authority and responsibilities, a consideration of the legislative and judicial events of 1975 touching on the subject is necessary. As you know, the 1975 legislature attempted to shift general supervision and control of vocational education from the Board to the State Board of Education. (Chapter 434, Laws of 1975.) This legislation was struck down by the Montana Supreme Court in Board of Public Education v. Judge, supra, as unconstitutional.

The effect of the Court's decision in Board of Public Education v. Judge, supra, was to render the invalid legislation "inoperative as if it had never been passed" and to leave "the law as it stood prior to enactment of the invalid statutes[s]". State ex rel. Woodahl v. District Court, 162 Mont. 283, 291, 511 P.2d 318 (1973). Thus, the authority of the Board with respect to vocational education is now the same as it was prior to enactment of the 1975 amendments.

The specific statutes governing vocational education are contained in Chapter 77 of Title 75, R.C.M. 1947. Section 75-7702 includes an extensive list of duties of the Board couched in substantially mandatory language. First, the statute directs that the Board "shall be the governing board of the state of Montana for vocational education." Next, the statute mandates that the Board "shall adopt policies to effect the orderly development of a system of vocational education." Finally, the statute specifically directs that the Board's policies "shall include:"

- "(1) a state plan for such development;
- (2) standards for vocational education courses and programs;
- (3) instructor qualifications for vocational education courses and programs;
- (4) criteria for approval of vocational education course and programs which are to receive financial assistance;
- (5) a basis for apportionment of all moneys appropriated by the legislature for vocational education in accordance with the intent of the legislature as reflected in the terms of the appropriation;
- (6) a basis for apportionment of all moneys received by the state of Montana for vocational education from the federal government in accordance with the Acts of Congress;

- (7) a system of evaluation of vocational education which allows for consideration of the current and projected manpower needs and job opportunities; and
- (8) any other policy not inconsistent with public law and which is necessary for the proper operation of a system of vocational education." (emphasis added)

The significance of Subsection (8) of R.C.M. 1947, Section 75-7702, should not be overlooked. Like the other areas of policy, it is mandatory in its language and directs the Board to establish policies "necessary for the proper operation" of the vocational educational system.

The Board controls disbursement of funds appropriated by the legislature for vocational education. While the State Treasurer is designated as the custodian of vocational education funds, R.C.M. 1947, Section 75-7706 specifically provides that the Treasurer shall "disburse all moneys appropriated or received for vocational education" at the direction of the Board.

The Board has sole authority for the approval of post-secondary vocational-technical education programs and their budgets. R.C.M. 1947, Section 75-7708. The Board likewise regulates distribution of funds for operation of the post-secondary vocational education centers under R.C.M. 1947, Section 75-7709.

In R.C.M. 1947, Section 75-7703, the superintendent of public instruction is designated as the executive officer of the Board for the administration of laws related to vocational education. As such, the superintendent is directed by statute to perform various administrative and ministerial tasks such as (1) administration of vocational education policies adopted by the Board, (2) preparation of curriculum guides, (3) employment of staff with Board confirmation, (4) preparation of reports, (5) maintenance of records and (6) furnishing supervisory and consultive assistance to the vocational education district. R.C.M. 1947, Section 75-7710, also provides that the trustees and governing boards of post-secondary vocational-technical centers are to have certain administrative responsibilities.


In our opinion, the applicable constitutional provisions, statutes and available case law clearly support the conclusion that ultimate control over vocational education in Montana is in the hands of the Board. It must set policy, including such policy as is necessary for the proper operation of the vocational education system. It fixes budgets and programs, and it controls expenditures. And, while the superintendent of public instruction and local governing boards have administrative

Members of Montana Board of Public Education
January 30, 1976
Page 4

responsibilities to see that the programs are carried out, such administrative responsibilities in no way detract from the basic authority of the Board to set policies for and maintain control of vocational education in Montana.

I trust the above information will be of benefit to you.

Very truly yours,



SAM E. HADDON

SEH/gm

cc: Mr. Earl Barlow
Mr. Richard C. Bennett
Mr. Bruce Brown
Mrs. Carolyn M. Frojen
Mrs. Marjorie W. King
Mrs. Harriett C. Meloy

January 10, 1977

TESTIMONY of Joseph H. Lutz, Chairman
State Advisory Council for Vocational Education

Proponent of H. B. 69

Supplement: (1) Copies of Sections 75-7702,
75-7703 & 75-7706 of Montana
School Law
(2) Excerpts from P.L. 94-482

One of the primary functions of the State Advisory Council for Vocational Education is that of evaluation of programs of vocational education both individually and collectively.

Since 1971, the Council has attempted, in a variety of ways, to promote an improved system of governance for vocational education in Montana. We suggested first to the Constitutional Convention that the Superintendent of Public Instruction should be changed from an elective to an appointive office directly responsible to the State Board of Education. Later, in 1973, the Council urged the Blue Ribbon Commission to include a recommendation that the State Board responsible for vocational education should employ a qualified executive officer for vocational. Recommendation #26 (page 30) of the Blue Ribbon Commission report embraces that concept.

Since 1974, the Council has been a constant "thorn" in the side of the State Board of Public Education - to alert that body to its statutory responsibilities.

We feel that the Montana statutes (Chapter 77, section 75-7701 to 75-7715) are extremely clear in expressing the intent of the legislature and in setting forth the responsibilities of the State Board of Public Education as the governing authority for vocational education. The law relating to the executive officer (the state superintendent) (Sec. 75-7703) is also difficult to misinterpret.

Even with the clarity of the law, in actual practice the State Board, until recently, had not performed its legal function allowing the state superintendent to evolve into both the policy maker and the administrator for vocational education in Montana - with the State Board serving as a "rubber stamp" agency.

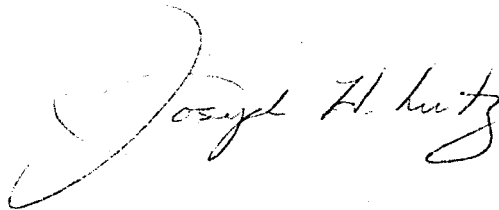
As late as the time of the 1975 Legislative session, the State Board was still unwilling to admit to the need for a new governance structure and openly opposed H.B. 566 which succeeded in the Legislature but was ruled unconstitutional by the Montana Supreme Court on a technical point.

During the summer of 1975, the State Board started a gradual re-evaluation of its operational procedures and a gradual effort to serve as the State Board for Vocational Education in fact. The Board found this process very frustrating and painful, facing administrative road blocks, a lack of information, and an unwillingness in many instances, on the part of the Executive Officer to respond to the Board's directives. The Board found it nearly impossible to carry out its legal responsibilities. At the same time, the state superintendent apparently found it impossible to separate the legal responsibilities of serving as the executive officer of vocational education from the legal responsibilities of the elected official.

Now, after a long period of inadequate administration of vocational education, the State Board is attempting, thru H. B. 69, to create a new governance structure that will allow it to take charge of vocational education in the manner that the law intended.

To be in compliance with and to carry out the intent of Federal statutes, the Advisory Council believes that the State Board of Public Education must have the legislative authority necessary to carry out its legal responsibilities through the provisions proposed in H. B. 69.

The Advisory Council is thoroughly convinced that H.B. 69 will correct the administrative problems that have existed in the past and that the interests of all levels of vocational education in Montana will be well served through passage of this legislation.

A handwritten signature in cursive script, reading "Joseph H. Lutz". The signature is written in dark ink and is positioned in the lower right quadrant of the page.

Excerpts From Chapter 77 - Montana School Law

✓
75-7702. Duties of board of education. The board of education shall be the governing board of the state of Montana for vocational education. The board of education shall adopt policies to effect the orderly development of a system of vocational education that is adaptable to changing needs, controlled to prevent unnecessary duplication, co-ordinated with federal guidelines and requirements for vocational education, and funded to ensure growth and quality programming. In order to accomplish the orderly development of a system of vocational education, the board of education policies shall include:

- (1) a state plan for such development;
- (2) standards for vocational education courses and programs;
- (3) instructor qualifications for vocational education courses and programs;
- (4) criteria for approval of vocational education courses and programs which are to receive financial assistance;
- (5) a basis for apportionment of all moneys appropriated by the legislature for vocational education in accordance with the intent of the legislature as reflected in the terms of the appropriation;
- (6) a basis for apportionment of all moneys received by the state of Montana for vocational education from the federal government in accordance with the Acts of Congress;
- (7) a system of evaluation of vocational education which allows for consideration of the current and projected manpower needs and job opportunities; and
- (8) any other policy not inconsistent with public law and which is necessary for the proper operation of a system of vocational education.

75-7703. Duties of superintendent of public instruction as executive officer. The superintendent of public instruction shall be the executive officer of the board of education for the administration of all state and federal laws related to vocational education. As the executive officer, the superintendent of public instruction shall:

- (1) administer the vocational education policies adopted by the board of education;
- (2) prepare curriculum guides for board of education adoption;
- (3) employ, with the confirmation of the board of education, the professional staff necessary for the state supervision and administration of vocational education;
- (4) report the status of vocational education in the state of Montana when requested by the board of education;
- (5) keep all vocational education records in his office; and
- (6) provide vocational education supervisory and consultative assistance to districts.

75-7706. State treasurer custodian of vocational education moneys. The treasurer of the state of Montana is hereby designated as the custodian of all federal and state moneys designated, appropriated or apportioned for vocational education. All moneys received from any federal or state source for the establishment, operation or furtherance of vocational education in the state shall be deposited with the state treasurer. At the direction of the board of education, he shall disburse all moneys appropriated or received for vocational education.

Title II Vocational Education

"STATE ADMINISTRATION

20 USC 2304.

"SEC. 104. (a) (1) Any State desiring to participate in the programs authorized by this Act shall, consistent with State law, designate or establish a State board or agency (hereinafter in this Act referred to as the 'State board') which shall be the sole State agency responsible for the administration, or for the supervision of the administration, of such programs. The responsibilities of the State board shall include—

"(A) the coordination of the development of policy with respect to such programs;

"(B) the coordination of the development, and the actual submission to the Commissioner, of the five-year State plan required by section 107 and of the annual program plan and accountability report required by section 108; and

"(C) the consultation with the State advisory council on vocational education and other appropriate State agencies, councils, and individuals involved in the planning and reporting as required by sections 107 and 108.

"GENERAL APPLICATION

"SEC. 106. (a) Any State desiring to receive the amount for which it is eligible for any fiscal year pursuant to this Act shall, through its

State board, submit to, and maintain on file with, the Commissioner a general application providing assurances—

"(1) that the State will provide for such methods of administration as are necessary for the proper and efficient administration of the Act;

United Student Councils for Vocational Education

3615 Montana Ave.
Billings, MT 59102
248-77441

404 S. Wyoming St.
Butte, MT 59701
792-4256

2100 16th Ave. S.
Gt. Falls, MT 59405
761-2100

1115 Roberts St.
Helena, MT 59601
442-0060

909 S. Avenue West
Missoula, MT 59801
728-2400

January 10, 1977

The Honorable Jack Gunderson
Chairman, Education Committee
Montana House of Representatives
State Capitol Building
Helena, Montana 59601

Dear Chairman Gunderson:

The United Student Council for Vocational Education (USCVE) would like to take this opportunity to publicly support House Bill Sixty-Nine (69), to wit: "...to authorize the Board of Public Education to employ an executive officer to administer the vocational education program for the State of Montana."

The USCVE is a body of elected student representatives from the five Montana vocational-technical centers. We represent approximately thirty-five hundred (3,500) currently enrolled post-secondary vocational students in Montana.

At our most recent meetings in Butte and Great Falls, the USCVE was presented with the facts from both sides of this "governance" issue. We were addressed by Mr. Gordon Warner, Director of Vocational Skills for the OSPI. We were also addressed by Mr. Richard Bennett, Chairman of the Vocational Education Committee of the Board of Public Education. Our debate of the issues brought us to unanimous support of the position of the Board of Public Education.

The USCVE strongly supports HB69 and is willing to testify before the House of Representatives, the Senate or any committee to further clarify and define our expectations of this new legislation and our past experiences under the current governance by the OSPI.

The USCVE urges that the Education Committee, the House of Representatives, and the Senate vote "Aye" for HB69.

Sincerely,



Chris Birkelo, Chairman
United Student Council for Vocational Education

CB:mc

Students Promoting Post Secondary Vocational Education

Vocational-Agriculture Department

FLATHEAD COUNTY HIGH SCHOOL

P. O. Box 378

KALISPELL, MONTANA

H. E. ROBINSON, INSTRUCTOR

LUTHER LALUM, INSTRUCTOR

TO: The Joint Senate and House Education Committee Hearing (HB-69)
SUBJECT: Vocational Education Legislation proposed by the Board of Public Education
BY: Luther Lalum, Vocational Agriculture Instructor, Flathead High School,
Kalispell, Montana

My name is Luther Lalum, Vocational Agriculture Instructor from Kalispell, speaking on behalf of the Executive Committee of the Montana Agricultural Teachers Association, the Kalispell Vocational Departments, and the Administration of Flathead High School.

We are concerned about the possibility of your committee accepting this legislative proposal, and recommending its adoption at a time when the need is to streamline government and reduce the bureaucracy established.

Why set up a new Department of Education that would not be a positive solution for improving the effectiveness and efficiency of the present system. If anything should be done, we should be working for a more integrated not a segregated Educational System. To accomplish our goals and most effectively utilize our limited dollars for education; there needs to be a unified and coordinated program maintained from the University System, Post Secondary, Secondary through to the Elementary Systems of our schools in Montana.

It is our students that we must keep in mind, ^{just} not the administration. The question must remain -- what is the most productive and effective way to manage our limited education dollar the most advantageous way for the student? More bureaucracy and separation of control is not the way to accomplish this objective.

By law, the Board of Education, is the governing board of the State of Montana for Vocational Education. They why, in the Position Papers provided by the Board of Public Education do they say that they lack the authority and control over the state administration of Vocational Education. Maybe it should have read; they have failed to exercise their authority and control.

I become concerned without knowing their rational, when I hear the comment that the larger districts that have Vo-Tech Centers are in favor of this proposal. Yes, they need more, just the same as all phases of education needs more. I do,

however, believe that these centers are receiving the "lions share" of the limited dollar for Vocational Education. Information obtained from the OSPI indicates that in 1975 the Vo-Tech Centers received 54% of the \$6,445,000.00 while Secondary Districts received 30% of the money.

The student enrollment of the Vo-Tech Centers is about 4,500 out of the approximate 35,000 Secondary and Post Secondary students enrolled in Montana; or in other words Vo-Tech Centers are receiving 64% of the money to support 12% of the students.

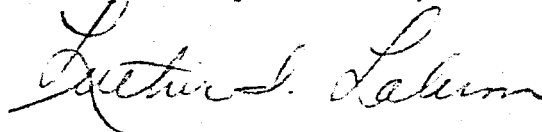
I realize there is a big difference between Post Secondary and Secondary funding provided within the local communities, and therefore, the Post Secondary deserves additional funding from the state. But support for this legislative change does not mean more money will be available from the state; but will take more money away from the students due to more administrative costs.

Within this proposal I see nothing new, or nothing that cannot be done through the current structure that is under the control of the present Board of Public Education.

In closing, may I say, evaluate and be sure that you are doing what is "right" for the people concerned, the students. Do what you think is right, but stay within the total educational structure and not place Vocational Education in a seperate, isolated area of education.

I will respect your decision, and continue to work for the welfare of our young people through education. We hope that you truly evaluate this proposal and make the right decision.

Respectfully submitted,

A handwritten signature in cursive script, reading "Luther Lalum". The signature is written in dark ink and is positioned below the typed name "Luther Lalum".

1/77

I am Larrae Rocheleau, district superintendent of schools in Thompson Falls.

I am also representing the Northwest Montana Administrator's group.

I would like to speak in opposition to H.B. 69.

One of the major reasons I am opposed to this bill is the increase in administrative costs. This bill would require a separate office building and would result in duplication of staff.

The second reason we oppose the bill is that it would split the secondary schools. We would be placed under two different administrative organizations. This would tend to lead to a two-track educational system. This goes completely against the career education concept. We would like this committee to consider the following:

- (1) killing this bill in committee,
- (2) consider introducing legislation to provide an interim legislative committee to come up with some alternative forms for the governance of vocational education. We also feel that if the interim committee idea is approved that consideration be given to removing the governance of the vocational-technical centers from the State Superintendent's office.

We feel there is a direct conflict of interest between the secondary schools and the technical centers. The technical centers are post secondary in nature and should be treated as such. Consideration should be given to either placing the technical centers under the Board of Regents, or that a third state educational board be set up to administer the technical centers and the community colleges.

I AM CONSTANCE SKOUSEN, LEGISLATIVE LOBBYIST FOR THE MONTANA STATE P.T.A.

THE MONTANA STATE P.T.A. WOULD LIKE TO GO ON RECORD AS OPPOSING H.B. 69. THE MONTANA P.T.A. ACTIVELY OPPOSES THROUGH ITS LEGISLATIVE PLATFORM ANY LEGISLATION THAT WOULD WEAKEN THE OFFICE OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

THE MONTANA P.T.A. FEELS THAT THE ELECTED OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION IS ACCOUNTABLE TO THE TAXPAYERS OF THE STATE OF MONTANA.

UNDER THIS NEW PLAN WITH AN APPOINTED BOARD AND AN APPOINTED ADMINISTRATOR THERE IS NO PROVISION FOR ACCOUNTABILITY TO THE PEOPLE OF MONTANA.

THE MONTANA P.T.A. HAS SUPPORTED THE CONCEPT OF VOCATIONAL EDUCATION, BUT MUST INSIST THAT MAXIMUM ADMINISTRATIVE POWERS BE LEFT WITH THE ELECTED SUPERINTENDENT OF PUBLIC INSTRUCTION.

THE MONTANA P.T.A. ALSO FEELS THAT SINCE A MAJORITY OF THE STUDENTS ARE A PART OF THE SECONDARY EDUCATIONAL SYSTEM THAT ANY SPLIT IN THE GOVERNANCE OF VOCATIONAL EDUCATION WOULD BE A COSTLY DUPLICATION OF SERVICES AND WOULD TEND TO TRACK STUDENTS. WE ALSO FEEL THAT THIS PEICE OF LEGISLATION WOULD WORK TO THE DETRIMENT OF THE SECONDARY VOCATIONAL EDUCATION FUNDING. THE SECONDARY SCHOOLS ARE RECEIVING LESS AND LESS A PROPORTIONATE SHARE OF STATE AND FEDERAL VOCATIONAL EDUCATION MONEY.

WE FEEL THAT THIS BILL WOULD WORK TO THE DETRIMENT OF THE SECONDARY AND ELEMENTARY SCHOOLS OF THE STATE AND WOULD REMOVE THE ACCOUNTABILITY FROM AN ELECTED OFFICIAL TO AN APPOINTED STATE BOARD.

WE URGE THAT THIS PIECE OF LEGISLATION BE DEFEATED IN THIS COMMITTEE.

Judith Olson

January 10, 1977

There is a great similarity of statutory authorities in Montana and South Dakota. The Boards have chiefly policy-making roles, but yet have some regulatory functions in areas of accreditation, certification, etc.

When South Dakota had an elected State Superintendent as chief officer, the statute still charged the State Board of Education with administration. Therein was the problem. For a lay board to administer, delegation of power and responsibility is a necessity. Certainly it is more comfortable to delegate responsibility to an individual who feels responsible to and loyal to a board than to an individual who feels responsible first to the electorate. Successful programs, successful legislation and a strong state department depend on united effort and organization. Credibility suffers when local districts, the general public and government at all levels suspect education leaders are not in accord.

I'm not suggesting that conflict exists in Montana--I'm suggesting that for the State Board of Education to be effective in your state they must have someone accountable to them. That's only good business. I don't profess to be an expert in either education or government, but serving on the South Dakota State Board of Education for 4-1/2 years has given me some perspective--especially since I began my term with an elected State Superintendent; began serving also on the State Board of Vocational Education, and have since experienced executive reorganization, which created a separate Board of Vocational Education.

There is a Department of Education and Cultural Affairs with a secretary (a liaison type person with no administrative control). The authority was given to the State Board of Education to hire its state superintendent. The effective date of reorganization was July 1, 1973. In short, after these changes, I'm sure and more convinced that a board must have the privilege to hire its executive officer. The philosophy is sound if you believe in lay control of education.