

MINUTES OF THE MEETING
EDUCATION COMMITTEE
MONTANA STATE SENATE

January 11, 1977

The third meeting of the Senate Education Committee was called to order by Senator Chet Blaylock, Chairman, on the above date in Room 402 of the State Capitol Building at 11:00 A. M.

ROLL CALL: All members were present.

CONSIDERATION OF SENATE BILL No. 21: Chairman Blaylock called on Senator Watt to present his testimony regarding Senate Bill No. 21.

Senator Watt presented testimony relating to the up-grading of education requirements of people who hold the position of county superintendent of schools to the level of a master's degree. Senator Watt stated there was an actual need for better trained people in this position; that this Bill included a "grandfather clause", and that by passing this Bill the office would be up-graded.

Mr. Gary W. Steuerwald, County Superintendent of Missoula, was introduced and testified in support of the Bill. His position was that administrators in Class 1 and Class 2 areas are required to hold master's degrees; Class 3 requires only a bachelor's degree and a teaching certificate. It is his opinion that the scope of the administrative duties and responsibilities of this office have increased greatly in the past several years and needs people with better qualifications and expertise to administer the position. In order to have higher qualified persons in the office, the minimum requirements must be raised.

Senator Warden questioned if the number of persons now in that office who do not hold master's could be elected and serve.

Mr. Steuerwald replied that the variance would be left up to the State Superintendent of Public Instruction; and if elected person was doing job adequately, the State should have no objection to such person's re-election. He also fielded Senator Thomas' question as to proficiency and higher education being synonymous.

In opposition to Senate Bill No. 21, John J. Sullivan, representing the Montana Association of County Superintendents, of Butte, stated that this Bill had been objected to when brought before the County Superintendent's Association. Mr. Sullivan believes requiring a master's degree will also require additional expense of increasing salaries commensurate with such degrees; that people looking for these jobs may have difficulty in this state getting courses to qualify for a master's; and he believes the system has been working well and that there is adequate control and supervision by the State Superintendent's office. Also, that the Montana Taxpayers' Association reviews this budget and there are built-in safeguards; and, in closing, asked that this Bill be shelved.

Also testifying in opposition was Greg McCurdy, representing the Montana Association of Counties. He testified as to the number of school personnel this Bill would affect and the salary difference of the office of county superintendent at the present time, compared to an absolute minimum salary of person holding master's degree if considered \$17,000.00, it would be necessary for several counties to fund a salary increase, with net results being over-qualified and over-paid people to administer Class 3 districts.

There being no further opponents to testify, discussion was opened.

Mr. Robert Stockton of the Superintendent of Public Instruction's office, reported that the average salary of the county superintendent is about \$10,000.00 at present, with many more smaller schools being in this category which would be affected by passage of this Bill.

Senator Watt explained that this Bill was prepared prior to his knowledge of the introduction of other bills relating to school administration; that the Montana Taxpayers' Association should not have undue influence over the superintendent's office and neither should the county commissioners; that this should be an educator's job and have qualified persons in this office.

Senator Fasbender questioned Mr. Steuerwald as to how many Class 3 rural schools were in Missoula and the duties of a county superintendent, to which Mr. Steuerwald answered that there were 7 and enumerated the various responsibilities of the superintendent.

Senator Smith felt that to say because a person has a master's degree does not mean that person is competent for such a position. He stated his concern of eliminated services needed by requiring a master's degree and questioned moving too fast on this requirement and also if taxpayers could afford this increase in expense and possibly losing some services.

It was replied that Montana allows county superintendents offices to consolidate, and rather than lessen quality, small counties should think about moving in with another district to operate more efficiently.

Senator Thomas asked Mr. Steuerwald how many students were in the 7 rural Class 3 school districts in Missoula County and was told there were about 600.

Senator Murray questioned what would happen if smaller counties couldn't pay the additional cost; as person's education increases, doesn't he expect that his pay table increase also. The reply was in the affirmative, but that if no persons qualified were available for this office, then the State Office of Public Instruction has the authority to lift restrictions, letting less qualified persons run.

Senator Dunkle asked if the superintendent's office carries degree requirements that could be applied to only larger counties and make pay commensurate in this regard and could this be amended into this Bill, to which was replied in this Bill it could serve no purpose as two other bills had been introduced that would solve this problem; that under re-election, this degree requirement would not apply to those presently in office, but to those elected after July 1, 1977; and the State Superintendent would be able to waive certain requirements for those persons elected.

Senator McCallum questioned the need in rural areas for services of a county superintendent, and Mr. Steuerwald replied by reiterating the functions of that officer and mentioned that not all county superintendents work full time, but as a rule, there is more than enough to do and includes work with both rural and urban schools.

Senator Mathers inquired if there was a residency qualification, if persons must live in the district where elected, and was answered in the affirmative.

Senator Ed Smith felt this Bill was possibly premature because of pending bills to strip duties from the State Superintendent of Public Instruction.

Senator Murray inquired if the State Superintendent could overlook a master's degree requirement but not residency and certification requirements. Senator Watt replied that this Bill only adds the requirement of a master's degree.

Dick Bennett and Harriet Meloy of the State Board of Education appeared to present the Board of Education's position on its request for an appropriation allowing it to hire an executive assistant; Mrs. Meloy explained this is not to be confused with the position of the Board on the Vocational Education situation. There was handed out a written Position Statement by the Board of Public Education Regarding an Executive Assistant, which is attached.

Senator Mathers questioned the need to draft legislation to accomplish this purpose, and Mrs. Meloy replied the Board felt a need to explain present circumstances; there is no spokesman for the Board; on any matter, all 7 members must be contacted at present.

Senator Dunkle referred the Committee to pending Senate Bill No. 62 relating to transferring duties now prescribed to the State Superintendent of Public Instruction to the Board of Education and providing an executive director of the Board of Education which would eliminate the necessity of additional legislation. Mrs. Marjorie King explained the Board was not aware of the proposed bill prior to preparation of the appropriation request.

Senator Blaylock questioned the representatives of the Board of Education as to the possible consequences if Senate Bill 62 does not pass, stating he believes department staffs tend to get into arguments. The position presented by the Board regarding the dilemma caused by lack of clear lines of authority between the two education boards expressed the reasoning for requesting specific duties and responsibilities designated by the legislature, including a person to carry out such action.

Senator Blaylock asked specifically what policy laid down for Vocational-Technical Education by the Board of Education was not carried out by the Superintendent's office. A problem area stated by Mrs. King and Larry Key was a state plan of evaluation of programs that had not been followed. Mrs. Meloy mentioned the Board had also developed a policy on special education but had no authority to establish rules or regulations governing special education as this function is under the jurisdiction of the State Superintendent.

The possibility of omission rather than failure of the State Superintendent's office to follow through on policy due to lack of capability of auditing was mentioned by Senator Fasbender.

Senator Warden asked the Education Board whether it had things come up but not brought to it directly from the Superintendent's office. It was replied that the Superintendent's office has the ability to accumulate sophisticated information, but the Board was not informed; additionally, it was mentioned that the Board was lacking in information on what has been done out in the field and what was being done about adult education.

As long as the Board of Education was a review board or rubber stamp, it was accepted, Earl Barlow maintains; and when it became a policy-making board, conflict arose.

Senator Blaylock cautioned the Education Board of the political heat when or if these powers were conferred; and Senator Warden mentioned the dedication and time and energy demanded by membership in a board.

Chairman Blaylock asked if the Committee wanted to take action on Senate Bill 21 at this time and called for a motion.

Senator Warden moved that Senate Bill No. 21 DO NOT PASS. The motion was seconded and carried by unanimous vote.

ADJOURN:

There being no further business, the meeting was adjourned at 12:30 P.M.


Chet Blaylock, Chairman

ROLL CALL

EDUCATION

COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date Jan 11-77

[illegible]

DATE January 11, 1977

COMMITTEE ON

EDUCATION

BILL NO. SB21

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
William, John I.	Co. Supts. -		X
Hugh H. Hardy	MONTANA ASSN. OF COUNTIES		X
Patricia J. Price	Co. Supts.		X
Carol Steiner	Co. Supt.	X	
Robert D. Watt	State Senate - myself	X	
Carl Johnson	School Admin. of Montana		
D. Riney	side		
Bill Driscoll	inter log. intern		
James J. ...	Board Public Education		
Gen. ...	Mt. Assn. of Counties		X
Ray C. Ray	Board of Public Ed		
Arthur ...	" " " "		
Paul J. Barlow	" " " "		
Al ...	" " " "		
Robert ...	OSPI		X
James ...	OSPI		
Barrett ...	BPE		
Mary ...	BPE	X	

NAME: Sen. Robert D. Watt DATE: 1-11-77

ADDRESS: Msla. Co.

PHONE: _____

REPRESENTING WHOM? Dist 49

APPEARING ON WHICH PROPOSAL: SB. 21

DO YOU SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: Will Testify orally
V

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Clayton E. Starnes, JR. DATE: 1-11-77

ADDRESS: Rm 308 Courthouse Annex

PHONE: 543-7612

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: SB 21

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Will testify orally

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

John Justin Sullivan

Courthouse, Butte, Mont

792-2676

Mont. Assn. of Co Supts -

S.B. #21

SUPPORT? _____

AMEND?

OPPOSE?

X

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: John C. L. Jr.

DATE: 7-11-68

ADDRESS: Box 234 Avon, MA 01901

PHONE: 292-6666

REPRESENTING WHOM? MONTANA ASSN OF COUNTIES

APPEARING ON WHICH PROPOSAL: SB 21

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

January 11 19 77

MR. President

We, your committee on EDUCATION

having had under consideration SENATE Bill No. 21

Respectfully report as follows: That SENATE Bill No. 21



~~DO NOT PASS.~~ DO NOT PASS.

SENATE COMMITTEE EDUCATION

Date January 11, 1977 Senate Bill No. 21 Time

NAME	YES	NO
Senator Chet Blaylock, Chairman	<input checked="" type="checkbox"/>	
Senator Ed Smith, Vice Chairman	<input checked="" type="checkbox"/>	
Senator George McCallum	<input checked="" type="checkbox"/>	
Senator Bill Mathers	<input checked="" type="checkbox"/>	
Senator William E. Murray	<input checked="" type="checkbox"/>	
Senator Frank Dunkle	<input checked="" type="checkbox"/>	
Senator Paul Boylan	<input checked="" type="checkbox"/>	
Senator Larry Fasbender	<input checked="" type="checkbox"/>	
Senator Bill Thomas	<input checked="" type="checkbox"/>	
Senator Margaret Warden	<input checked="" type="checkbox"/>	

Jennie Lind
Secretary

Chet Blaylock
Chairman

Motion: Senator Margaret Warden moved that
Senate Bill No. 21 DO NOT PASS; motion was
seconded and carried by unanimous vote.

(include enough information on motion--put with yellow copy of committee report.)



STATE CAPITOL, ROOM 106

HELENA, MONTANA 59601

EX OFFICIO MEMBERS:

Thomas L. Judge, Governor
Georgia Rice
~~MISSISSIPPI~~ Superintendent
of Public Instruction, Executive
Officer of Vocational Education
and Secretary to the Board

Lawrence K. Pettit, Commissioner
of Higher Education

BOARD OF PUBLIC EDUCATION

January 10, 1977

APPOINTED MEMBERS

Earl J. Barlow, Browning
(Vice Chairman)
Richard C. Bennett, Great Falls
Carolyn M. Frojen, Missoula
Allen D. Gunderson, Billings
Marjorie W. King, Winnett
Harriett C. Meloy, Helena
(Chairwoman)
Enid O'Leary, Havre

Position Statement by the Board of Public Education Regarding an Executive Assistant

The Board of Public Education is asking for legislation and an appropriation which will enable the board to hire an executive assistant. This request is based upon the board's realization that it can fulfill its constitutional and statutory responsibilities more effectively with a permanent office to provide it with independence, continuity and identity.

The constitution provides for a state board of education composed of a board of regents and a board of public education. The board of public education is charged with exercising (quote) "general supervision over the public school system and such other public educational institutions as may be assigned by law."

The constitution also provides for a state superintendent of public instruction who (quote) "shall have such duties as are provided by law." The constitution does not make any other mention of the duties of the superintendent. Statutes, written prior to the new constitution however, in delineating the powers and duties of the state superintendent, state that the office (quote) "shall have the general supervision of the public schools and the districts."

Herein lies the basis for some of the governance problems we are asking you to clarify. The board's responsibilities for general supervision are constitutional unlike those assigned by statute to the superintendent. The constitution and the people who ratified it clearly wanted a lay board to supervise education and to set policy.

The state board of education, which is the combined board of public education and board of regents, is given the responsibility (quote) "for long range planning and for coordinating and evaluating policies and programs for the state's educational systems." The structure is sound and certainly has some tremendous potential to serve as an effective coordinating body. There are several inequities which emerge, however. The board of regents is a powerful body given full constitutional authority to hire its own executive officer and staff. The parallel board of public education is not given such specific powers and under laws written before the new constitution was enacted, it is mandated that the secretary to the board shall be the elected state superintendent. We cannot imagine the board of regents functioning with an elected commissioner of higher education as its executive officer any more than we can imagine a local school board of trustees functioning with an elected district superintendent.

Position Statement
Executive Assistant
January 10, 1977
Page Two

If the board of public education is to make a meaningful, independent contribution to the state board, it is essential it be given the means to discharge its responsibility through a staff person directly responsible to and serving at the pleasure of the board.

The board of public education is assigned by statutes the responsibilities of policy setting and governance of areas such as special education, vocational education, teacher certification, transportation, accreditation, school for the deaf and blind, etc. A number of these statutes are written in a manner which makes it difficult for the board to develop its own philosophy into policies because the board is inherently limited to those recommendations which come from the elected superintendent and do not necessarily reflect board intent. Without an independent professional staff of its own, it is difficult for the board to promulgate original recommendations particularly if those recommendations do not correspond with the recommendations of the state superintendent.

How would the board utilize an executive assistant? This individual would be expected to:

- 1) MANAGE the administrative details of the meetings of the board, assist in preparing the agenda and direct the preparation of official minutes and records of actions of the board
- 2) SERVE as liaison between the board and the office of superintendent of public instruction, the governor's office, legislators, the board of regents, educational organizations such as the MEA, MFT, MHSA, MASA, MSBA, etc., and other federal and state agencies
- 3) ASSIST in drafting legislation, policy, regulations and position papers as requested by the board
- 4) COLLECT, organize, verify and seek alternatives and information related to proposals to be considered by the board
- 5) PREPARE reports and other written documents as requested by the board
- 6) REPRESENT the board at public hearings, legislative hearings, and other state or regional meetings involving education as directed by the board
- 7) FUNCTION as an advocate and public relations agent of the board as well as a contact to the board for local administrators, trustees, teachers, taxpayers or other interested citizens
- 8) ASSIST the board in identifying and/or contacting consultants when the board is seeking informed advice.

We as a board and as individuals take our constitutional and statutory obligations seriously and if we are to discharge them effectively, we must have a center of operations with an executive assistant who serves at the pleasure of the board.