

MINUTES OF THE MEETING  
EDUCATION COMMITTEE  
MONTANA STATE SENATE

January 29, 1977

The ninth 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 o'clock A. M.

ROLL CALL: All members were present with the exception of Senator Thomas who was absent.

CONSIDERATION OF SENATE BILL No. 138: The Chairman called on Senator Bill Mathers to present his testimony on Senate Bill No. 138.

In explaining the purpose of this Bill, Senator Mathers stated he had been contacted by Harriet Meloy some time ago regarding the Board of Public Education's need for an executive secretary. The Board has been functioning without anyone in this capacity, but with increased responsibilities, it has become imperative to have a person in this type of position. The State Superintendent has performed many of these functions, but it has come to a point where the Board has a great need for a person at a central point whom others could contact. At present, all Board members must be contacted in order to take action; this executive secretary would relay information to the members and whatever action the Board suggested, he would carry out. Board members are just interested citizens, not on a salary, are isolated as to locality and travel distance, meeting only once a month, and need an executive secretary in a locality where people can go to talk to about their problems. Mrs. Meloy is about the only person from the Board you can contact here presently, but this isn't her main function. If the Board had an executive secretary, operations could be centralized.

The Chair called for any further proponents.

Mrs. Harriet Meloy, Chairman of the Board of Public Education, testified in support of Senate Bill 138, affirming the Board wanted an executive assistant for a long time and reiterated the Board's position relative to the State Superintendent. She felt the problems centered more with structure than with personalities, and stated the State Superintendent by law is the secretary to the Board, but that it has no control over the secretary. The isolation of the Board's members is a problem and makes it impossible to meet more than once a month. She stated there is no formal linkages although they have a small personnel network and the small publication they were putting out was supposed to be under the Superintendent's functions. She also stated the major concern was credibility which an executive secretary could give, and that as matters stand today, the Board exists with exclusive dependency on the Superintendent and lacks expertise on formulation of educational policies.

The Chairman asked for further proponents; there being none, he called for any opponents.

LeRoy Corbin, representing the Montana Federation of Teachers, testifying in opposition, stated one premise he wanted to make is that an elected official is responsible to all people and trying to strip elected officials of their duties he objects to strongly. After listening to arguments of Mrs. Meloy, the ideas sound good; but he questions why it can't be done with the present structure as he felt there is a way this executive assistant could come out of the Superintendent's office and be directed to serve the Board of Education.

Georgia Ruth Rice, State Superintendent of Public Instruction, called the Committee's attention to the fact that the Board of Education has an office and a secretary, and there is a Task Force working which is addressing problems of special education, vocational education and other troubled areas. Members of the Board met on Jan. 4th, but her office has not received a request of any kind for materials to be placed in schools. She maintained no knowledge of what preceded in the office, but that she stated a cooperative stand toward the Board. The secretary working for the Board understands the situation, and Mrs. Meloy has been advised that is their secretary.

The Chair announced that if there were no further opponents, he would call for questions.

Senator Smith stated he understood the need for this position, but questioned where it was going to stop, referring to large increases yearly in the Board of Regents and objected to more publications; his main concern was expansion of the Board.

Senator Mathers explained the Bill as just giving the Board of Education a tool to better function; that he didn't think expansion was intended, but in order to carry out certain constitutional mandates, the Board needed an executive secretary to function in its behalf, carrying out dictates without having to go through someone else.

Senator Dunkle questioned the educational system being a State Board of Education, Board of Public Education and a Board of Regents, overlapping duties and if this would work toward removal of the Superintendent from the Board of Public Education, to which Senator Mathers replied the State Board of Education and the Board of Regents combine to form the Board of Public Education and the Superintendent by law is an ex officio member. He added this executive secretary would not be a member of the Board.

Senator McCallum questioned Mrs. Meloy regarding the office of the Board that the Superintendent mentioned, which she explained the secretary was paid 3/4 by the Board and 1/4 by the Superintendent's

office and was full time; but to clear matters, instead of being represented by a secretary, they need a fiscal analyst, an executive spokesman, not for the members, but for the Board.

Senator McCallum commented on the dispute between the two departments being carried over from last session, with Mrs. Meloy stating she felt the Board should deal with policy, there was a difference in functions, and an executive secretary should have some training regarding vocational education as this is a problem area.

Senator Blaylock commented on the future expansion of this office and that the proposed person not being a spokesman now, but future sessions could allow this growth and expansion, citing Mr. Petit's position as an example.

Senator Fasbender asked Mrs. Meloy if this was a policy statement by the Board, to which she replied that it was a position statement by the entire Board. He then questioned the State Superintendent if she opposed the Bill. Mrs. Rice answered affirmatively, stating she has made it her policy to cooperate and testified simply as a matter of information and that as the Board paid 75% of the present secretary's salary, she felt her office should not have any authority over this person.

Discussion relating to terminology differences of secretary, administrative aide and executive secretary was carried on, with Senator Fasbender stating that if this Bill were passed, the Appropriations Committee would decide the number of staff and salary.

Senator Mathers stated as there was enough discussion on the Bill, he felt no need to make a closing statement.

CONSIDERATION OF SENATE BILL No. 109: The Chairman called on Senator McCallum to present his testimony on Senate Bill No. 109.

Senator George McCallum stated he introduced this Bill and called on Chad Smith to explain its purposes.

Chad Smith, representing the School Board Association, testified in support of Senate Bill No. 109, stating it would amend the present employment compensation laws to eliminate non-instructional personnel hired by schools receiving unemployment compensation benefits during the periods of time that school was not in session if such person had an employment agreement for the next consecutive academic term. At present, teachers are denied unemployment compensation if they have signed a contract for the next school term, but are the only persons ineligible to receive compensation; and this Bill pertains to non-instructional personnel such as bus drivers, cooks, and mechanics who take school jobs knowing there are periods of time when they will not be working. This results in large expenditures by school districts

for employment security benefits as they have to pay a direct dollar for dollar reimbursement to the fund for people employed by that school district. We do not believe it was intended to cover these persons during the break in time when school is not going on. The cost to the Missoula district last year alone was about \$8,000.00. He also explained there is a bill introduced in the House, No. 239, which addresses this same subject, but in addition, it has numerous other matters regarding school personnel and operations; since this other bill is rather complicated and may not survive, we felt the wording of Senate Bill 109 was more explicit to the subject and asked consideration of this Bill rather than waiting on the other bill.

Senator Blaylock announced that time was running out, but questioned the meaning of lines 23 to 25 on page 3, continuing through line 2 on page 4, about the periods of time, whether or not successive.

Mr. Smith replied it was rather difficult to explain that language and didn't understand how there could be intervening periods that were not between successive terms. He stated he could only take it to mean some other time period and suggested having the Department of Labor make definite recommendations.

ADJOURN:

There being no further business, the meeting adjourned at 12:00 P.M.

A handwritten signature in cursive script, reading "Chet Blaylock", written over a horizontal line.

Chet Blaylock, Chairman

ROLL CALL

EDUCATION      COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date Jan. 29, 1977

NAME	PRESENT	ABSENT	EXCUSED
Senator Chet Blaylock, Chairman	✓		
Senator Ed Smith, Vice Chairman	✓		
Senator George McCallum	✓		
Senator Bill Mathers	✓		
Senator William E. Murray	✓		
Senator Frank Dunkle	✓		
Senator Paul Boylan	✓		
Senator Larry Fasbender	✓		
Senator Bill Thomas		✓	
Senator Margaret Warden	✓		

DATE January 29, 1977

COMMITTEE ON EDUCATION

BILL NO. 109  
138

## VISITOR'S REGISTER

[illegible]

NAME Shirley H. McLaughlin Bill No. 138  
ADDRESS 1317 9th Date 1/29/17  
WHOM DO YOU REPRESENT? Bd of Pub Educ  
SUPPORT ☒ OPPOSE ☐ AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME CHAI SMITH Bill No. ~~83109~~ 83109  
ADDRESS Box 609 Helena Date 1-29-77  
WHOM DO YOU REPRESENT? Mont. Sch. Bd. Pres.  
SUPPORT ☒ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:





STATE CAPITOL, ROOM 106

HELENA, MONTANA 59601

## EX OFFICIO MEMBERS:

Thomas L. Judge, Governor  
Georgia Rice  
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.

# GARRITY AND KEEGAN

ATTORNEYS AT LAW  
1400 ELEVENTH AVENUE  
HELENA, MONTANA 59601

AREA CODE 406  
TELEPHONE 433-7700

December 3, 1976

Mr. Harriett Meloy  
Chairman  
Board of Public Education  
1317 Ninth Avenue  
Helena, Montana 59601

Dear Harriett:


Enclosed are two bills to allow the Board to appoint its own secretary. One simply authorizes the Board to appoint a secretary, the other names an executive secretary and staff.

Obviously, the one authorizing an executive secretary and staff might be more difficult to pass but it would give the Board much more flexibility in putting together a professional staff of its own.

If you have any questions, please let me know.

Very truly yours,

GARRITY AND KEEGAN



Donald A. Garrity

DAG:ajo  
enclosures

A BILL FOR AN ACT ENTITLED: AN ACT AUTHORIZING THE BOARD OF PUBLIC EDUCATION TO APPOINT AN EXECUTIVE SECRETARY AND STAFF; AMENDING SECTION 75-5612, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. There is a new R.C.M. section that reads as follows:

Appointment of secretary of board of public education - term - compensation - staff.

(1) The board of public education shall appoint an executive secretary and may employ such other persons as may be necessary to perform the duties required of it.

(2) The board of public education shall prescribe the term, duties, and compensation of its executive secretary.

(3) The board of public education shall provide sufficient staff and office space for its executive secretary to carry out his duties.

Section 2. Section 75-5612, R.C.M. 1947, is amended to read as follows:

"75-5612. Officers of boards--quorum. (1) The board of public education and the board of regents shall each select a chairman from among their appointed members.

(2) The ~~superintendent-of-public-instruction-shall~~ ~~serve-as-secretary-to-the-board-of-public-education~~ commissioner shall serve as secretary to the board of regents.

(3) A majority of the appointed members of each board

constitutes a quorum for the transaction of business."

Section 3. This act is effective upon its passage and approval.

A BILL FOR AN ACT ENTITLED: AN ACT AMENDING SECTION 75-5612, R.C.M., 1947, TO AUTHORIZE THE BOARD OF PUBLIC EDUCATION TO APPOINT ITS OWN SECRETARY AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-5612, R.C.M. 1947, is amended to read as follows:

"75-5612. Officers of boards--quorum. (1) The board of public education and the board of regents shall each select a chairman from among their appointed members.

(2) ~~The superintendent-of-public-instruction-shall~~  
~~serve-as-secretary-to-the~~ board of public education shall  
appoint its own secretary, and the commissioner shall serve as secretary to the board of regents.

(3) A majority of the appointed members of each board constitutes a quorum for the transaction of business."

Section 2. This act is effective upon its passage and approval.