

MINUTES OF THE MEETING
EDUCATION COMMITTEE
MONTANA STATE SENATE

February 15, 1977

The sixteenth 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 of the Committee were present.

CONSIDERATION OF HOUSE BILL No. 69: The Chairman called on Representative Jack Gunderson to present his testimony on House Bill No. 69.

Representative Gunderson stated that on amending this Bill, the State Superintendent cooperated with Mrs. Meloy of the Board of Public Education and they came to an agreement on this Bill. A copy of his written testimony is attached and sets out the past problems regarding governance between the Board of Education established by the Constitutional Convention and the State Superintendent, especially relating to vocational education; he stated this Bill would give clear authority to the Board of Public Education to supervise and administer vo- ed and give the Board the authority to hire an executive officer to carry out their policies. He also explained the House amendments to the Bill.

Marjorie King, representing the Board of Public Education, hoped she could be successful in convincing the Committee that the Board only desired to effectively discharge the responsibilities already given to it and that it was not asking for more powers; that House Bill 69 would accomplish this and clear up the uncertainty existing at present. She stated the Board had no intention of trying to create another agency as they felt they were already the sole agency for vocational education but needed a method of discharging those duties.

William A. Ball, Director of the Montana Advisory Council for Vocational Education, supporting the Bill testified the Council feels the Board of Public Education is the proper responsible agency for this and necessitated the hiring of the administrative officer to carry out the Board's policies. Copy of his written testimony is attached.

Gene Downey, representing the Montana Council of Vo-Tech Center Directors, stated the centers at Butte, Helena, Missoula, Great Falls and Billings supported the Bill as amended to allow the contracting of services with the State Superintendent.

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

Dr. Lee Christensen, Polson, Mont., representing the Northwest Administrators, stated they were opposed to the Bill and were basically satisfied with the services provided by the State Superintendent. They feel it does create another agency of the government and are reluctant to endorse another administrator who would assert himself against the Superintendent. He expressed concern for the allocation of funds for the smaller schools as their portion of the \$3 million program had been gitting less each year and that they were against separating vocational education from the high school programs.

Loren Sullender, Hot Springs High Schools, also expressed concern about the dwindling funds for small high schools and stated they are responsible for putting people directly into the labor force and don't want to cut down instruction due to lack of funding.

William Patton, Teacher Education Training, U. of M., Missoula, in opposition to the Bill, testified that he objected to the governance of teacher education being separated away from the postsecondary schools with which they work to train students.

Glenn Blackburn, Hot Springs High Schools, also was concerned about the lack of funds, stating they were now receiving only about 40% and the drop-out rate was increasing due to fewer program choices.

There being no further opponents, closing statement was called for.

Representative Gunderson stated he wasn't acquainted with the Northwestern Association, but that 15 out of the 16 biggest schools endorsed the Bill, and he didn't see how small schools were going to receive less money when there were no changes in the funding; they might have better programs if the Board were allowed to carry out its own policy for vocational education.

The Chairman opened the hearing for questions by the Committee.

Senators Boylan and Smith inquired about the claim of the postsecondary schools competing for funds with the larger centers and other groups for their vo-tech programs and expressed concern regarding the implantation of personnel in boards, creating another agency. Rep. Gunderson answered that the Board would have full authority to hire and fire persons added as staff, and under this Bill would be able to better control where funds were allocated by requiring the systems to justify their portion and programs to the Board; that there may be some duplication, but personnel presently employed will probably be shifted to some extent and referred to the fiscal note for cost factor of the possible 3 additional people needed.

Senator Dunkle requested a condensed explanation of the purpose of the Bill. Rep. Gunderson stated it clears up the line of authority

over vocational education which was divided in the past between the State Superintendent and the Board of Public Education.

Senator Fasbender's questions regarding the funding for vo-ed were referred to Bill Ball, who replied that in a recent study they concluded the responsibility for spending of funds lies with the Board; they can approve or disallow funds going to postsecondary schools, but federal funds are appropriated to the Superintendent.

Senator Murray asked for an example of the trouble between the Board and the Superintendent, expressing trying to work out the problems by a method other than creating another agency should be done. Dick Bennett, Great Falls, on the Board of Public Education, answered that the Great Falls Vo-Tech Center had a machine training program authorized by the Superintendent but the Board didn't feel there was a need for that kind of training - this was in 1972; and Rep. Gunderson added the Superintendent was concerned with keeping her control over K through 12 education, but HB 69 would clear up the rules on vo-ed.

Senator McCallum asked the school superintendent from Thompson Falls how this would affect his area. Larrae Rocheleau replied that the smaller schools were skeptical that the change of authority would help in any way; that creating another agency would probably mean more people on staff and less money for the programs than they were receiving now and explained how money for postsecondary schools is allocated.

In answer to Senator Warden's inquiry, Rep. Gunderson stated that a study of vo-ed was made by the Vocational Technical Advisory Council and that the fiscal analyst suggested change in the funding structure; that reimbursement to postsecondary schools should include money for equipment in addition to the teacher's salary; HB 69 would provide a way of accounting for these funds.

Senator Blaylock asked why the legislature should consider taking vo-ed away from the State Superintendent and put it into the Board of Public Education and not any other subject, like English. Mrs. King stated the Board should have the sole responsibility for the vo-ed program and budget for postsecondary education but they have no person directly responsible to them at present; the reports of the persons doing this now are not acceptable to the Board; that they had requested written reviews, but have not received any.

Senator Blaylock then cited the power struggle between the Board and Superintendent, suggested it might be better to put the question to the people to decide, and asked what the Board had laid down for vo-ed schools that the Superintendent refused to carry out. Mr. Bennett mentioned an instance in which the Superintendent changed a portion of the funding between secondary and postsecondary schools which the Board felt should have been brought to it for decision and that he thought this Bill addressed the problem adequately.

Senator McCallum questioned that the Board received no written reports on vo-ed programs, to which Mr. Bennett replied negatively.

The Chair recognized Gordon Warner, Director of Vocational Education from the Office of the Superintendent of Public Instruction, who stated team evaluations, as well as individual evaluations where the supervisor visits the schools and works with the teachers, have been done regularly and that these were always available to the Board as well as the schools involved and the public.

Senator McCallum then asked if these were delivered to Mr. Bennett or taken to the Board. Mr. Warner replied that the reports were available to anyone who wanted to see them.

Mrs. Harriett Meloy, Board of Public Education, answered "yes" to Senator McCallum's question is the Board had a policy on this; and Mr. Warner also answered "yes", the department tries to follow that policy.

Senator Fasbender asked how many evaluations were done and expressed an interest in seeing a report. Mr. Warner stated he would see that the Committee received a copy of the evaluations.

In response to an inquiry from Senator Warden, Dr. Larry Key, Board of Public Education, replied that he had received 4 evaluation reports in 4 years and that he felt there was a delay in getting requested information; that files were made available to him and were copied if needed.

Alve Thomas, O.S.P.I., stated evaluations are done every year on every school and these are available to the Board, the public and the schools and include elementary and postsecondary.

Answering Senator McCallum's question, Mrs. Meloy replied that the Board approves the budget and items of expense but the State Superintendent signs the checks.

There being no further questions, the hearing on House Bill No. 69 was closed.

CONSIDERATION OF SENATE BILL No. 410: Ed Smith, Acting Chairman to allow Senator Blaylock to present this Bill, called for testimony on Senate Bill No. 410.

Senator Blaylock stated he had been asked by the Kalispell school district to introduce the Bill which would permit school trustees to establish an equipment reserve fund and called on Lloyd Markell to explain further.

Lloyd Markell, Montana Education Association, supporting the Bill, explained its purpose of allowing an equipment reserve fund for schools to be able to replace major items of equipment rather than straining their general fund budget when equipment had to be purchased; the reserve would be established by transferring money from the surplus general fund which could then accumulate, be invested and draw interest. However, he stated that it did not allow the trustees to transfer surplus funds in subsequent years to reduce levies.

Senator Mathers commented Mr. Markell had just killed the Bill, and made a motion that Senate Bill No. 410 DO NOT PASS.

Acting Chairman Smith called for any further proponents, there being none, he called for any opponents; none appeared.

The pending motion was seconded and carried by majority vote, with Senator Blaylock voting against.

FURTHER CONSIDERATION OF SENATE BILL No. 300: Senator Mathers moved that Senate Bill 300 DO NOT PASS, motion was seconded and carried by unanimous vote.

The Chairman announced that the meeting on Saturday would be held for executive action on the pending Senate bills.

ADJOURNMENT:

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



Chet Blaylock

Chet Blaylock, Chairman

ROLL CALL

EDUCATION COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date Feb. 15, 1977

Each day attach to minutes.

DATE February 15, 1977

COMMITTEE ON

EDUCATION

HOUSE BILL NO. 69,

Senate Bill 410

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
Dwight Meyer		X	
Don Meyer		X	
Pat Parker	Farmers Union		
Amelia Border	" "		
Wes Spangler	" "		
Mary Alice Goodwin	Farmers Union		
Bill Patton	Teacher Education	✓	
Wally Thim	Board of Public Education		
Harold Melas	" " "	✓	
Carl Barlow	" " "	✓	
Corona Elizalde	OSPI		
John Thomas	OSPI		
Valerie Frayser		✓	
Tommy C. Clark	Board of Public Ed.	✓	
Buff Koontz	Helena Vo-Tech Center	✓	
Wm. S. McFadden	Transcend Mt. Educator (Act)	✓	
Gene Downey	Mont. Council of Post-Sec. Voc-Tech Directors	✓	
Ernest Serum	Missoula Technical Center	✓	
William B. all	Holiday Inn Bldg. Bldg. Inc. Ed	✓	
Floyd J. McDonald	Mont. School for Deaf & Blind	✓	
Maynie J. Dug	Bl. of Pub. Edns	X	
Carrie Fehn	Montana Student Lobby	observing	
Glen Blackburn	Hot Springs High School		
Loren Sullender	Hot Springs High School	✓	
Lorraine Rockleman	Thompson Falls High School	✓	
Lee Christensen	Polson Public Schools	✓	

(Please leave prepared statement with Secretary)

DATE February 15, 1977

COMMITTEE ON

EDUCATION

BILL NO. HOUSE BILL 69

Senate Bill 410

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
John LaFaver	legislative Fiscal Analyst		
Dick Bennett	Bd of Public Ed.	X	
Jane Lapp	Kalispell, Mt.	X	
Robert J Lapp	Flathead Valley Commun. College	X	
Al Anderson	Bd of P. Ed.	X	
Monique E. Melton	KTCM television		
Blake L. Vining	Invincible Justice	X	
Rayd Marshall	MEET	SB 440 X	

(Please leave prepared statement with Secretary)

NAME: Abe Thomas

DATE: 2-15-77

ADDRESS: OSPI

PHONE: 449-2086

REPRESENTING WHOM? OSPI

APPEARING ON WHICH PROPOSAL: H.B. 69

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? _____

COMMENTS: I was in attendance as

a resource person.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dick Bennett DATE: _____
ADDRESS: Great Falls, Mont
PHONE: 727 2100

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: HB69

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: A workable bill

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Dr Lee Christiansen DATE: 2/15/17

ADDRESS: West Shore Rd - Polson, Mont.

PHONE: 883-5131

REPRESENTING WHOM? Northwest Administrators

APPEARING ON WHICH PROPOSAL: H.B. 69

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: horen Sutender DATE:

ADDRESS: Hot Springs, Mont

PHONE: 741-2114

REPRESENTING WHOM? Hot Springs High School

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS : _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Marjorie Keay DATE:

ADDRESS : _____

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: H. 13, 69

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS : _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Weslon Ball

DATE: 2/11/77

ADDRESS:

Po Box 4789 Helena, Mont

PHONE:

449-2013

REPRESENTING WHOM? State Advisory Council for Vocational Education

APPEARING ON WHICH PROPOSAL: H. B. 69

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: see attached prepared statement
given to committee secretary.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Gene Downey DATE: 2/15/77

ADDRESS: 909 South Ave Missoula, Mt.

PHONE: 728-2400

REPRESENTING WHOM? Montana Council of Fish Game-Game & Game Directors

APPEARING ON WHICH PROPOSAL: HB 69

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: This Bill as amend has the
full support of our Council of Director
We represent the Cities of Butte,
Helena, Miss, Billings and Great Falls

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Rep. Jack Gundusa DATE: _____

ADDRESS : _____

PHONE: _____

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: HB 69

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: W. William Patten DATE: 2/15/77

ADDRESS: 500 E. Becker, Th Missoula, MT

PHONE: 728-1446

REPRESENTING WHOM? Teacher Education

APPEARING ON WHICH PROPOSAL: HB 69

DO YOU: SUPPORT? AMEND? ✓ OPPOSE?

COMMENTS: In certain situations of Post-Sea
Use Teacher Ed from the ASPI & secondary
Use Ed.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STANDING COMMITTEE REPORT

February 15 1977

MR. President

EDUCATION

We, your committee on

having had under consideration

SENATE Bill No. 410

Respectfully report as follows: That.....

SENATE Bill No. 410,

Introduced Bill,

DO PASS

DO NOT PASS

Q.Q

Chet Blaylock

Chairman.

SENATE COMMITTEE

EDUCATION

Date February 15, 1977

SENATE Bill No. 410

Time

NAME	YES	NO
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	✓	

Jennie Lind
Secretary

Chet Blaylock
Chairman

Motion: Senator Bill Mathers moved that Senate Bill No. 410
DO NOT PASS; this motion was seconded and carried
by majority vote, with Senator Blaylock voting "no".

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

STANDING COMMITTEE REPORT

February 15 1977

MR. President

We, your committee on EDUCATION

having had under consideration Senate 300 Bill No.

Respectfully report as follows: That SENATE 300 Bill No.

P.Q.

~~DO PASS~~

DO NOT PASS

SENATE COMMITTEE EDUCATIONDate February 15, 1977 SENATE Bill No. 300 Time

NAME	YES	NO
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	✓	

Jennie Lind
SecretaryChet Blaylock
Chairman

Motion: Motion was made by Senator Bill Mathers that
Senate Bill No. 300 NO NOT PASS; this motion was seconded
and carried on unanimous vote.

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

TESTIMONY FOR H.B. 69 by WILLIAM A. BALL, for MONTANA ADVISORY COUNCIL FOR VOCATIONAL EDUCATION, February 15, 1977.

The State Advisory Council for Vocational Education strongly endorses House Bill 69 as amended. We are confident the Board of Public Education, the present state agency for vocational education, with the additional clarity and responsibility outlined in H. B. 69 can properly and responsibly see that the administration of vocational education is carried out. The Council feels that this is accomplished in H.B. 69 by clearly identifying the Board as the responsible agency, the one which will answer to the general public, the State Legislature and the Congress of the United States. The other important part of H.B. 69 is the provision for the Board to hire the administrative officer who will serve at the pleasure of the Board. This, we feel, is a necessity to realistically establish and maintain responsibility.

The amendments dealing with the contracted services for vocational education which was agreed upon by both the State Superintendent and the Board are an indication of a mutual endeavor to successfully administer vocational education in compliance with both state and federal law.

We urge your passage of this bill.

after having under consideration HB
6,

~~I'm not sure that committee has ever accepted
Received that report No. 1~~

Mr. Chairman and Members of the Committee:

HB 69 that I ask you to consider favorably today is, I believe, a truly good bill that has been developed and strengthened during the Legislative process. I ~~thank this body for sending it back to committee for further study, although at the time I was disappointed.~~ I thank the ~~sub~~ committee, especially Rep. ~~Barrett~~; Mrs. Meloy, chairman of the Board of Public Education; and Superintendent of Public Instruction Georgia Rice for their good judgement and cooperation in helping to solve the governance problem for Vocational Education.

I would like to give you some background information concerning this problem. In 1965 when I first started in the Legislature, Congress had passed the Vocational Education Act of 1963 which expanded and put greater emphasis on Vocational Education. In 1968 Congress renewed and expanded funding from the Federal level. To enable Montana to take part in this funding we passed Legislation in 1969. At that time we had a single Board of Education that wore many hats, K through university. This Board simply had too much to do and therefore was a weak Board. We had a strong Superintendent of Public Instruction and staff so we designated the OSPI as the executive office for Vocational Education, which seemed logical at the time. With the expansion of Federal and state funding, vocational education grew by leaps and bounds, but it soon became apparent that we had governance problems.

The Constitutional Convention studied the issue, which resulted in Article X, Section 9 which created "a board of public education to exercise general supervision over the public school system and such other public edu-

cational institutions as may be assigned by law. Other duties of the board will be provided by law." The Convention also established a Superintendent of Public Instruction, but left all duties to be assigned by law. The intent, I think, is clear that the Board is the final authority.

The Blue Ribbon Commission studied vocational education and recommended the hiring of an executive officer ~~for vocational education~~ under the Board of Public Education.

I attempted to implement this recommendation with HB 566 last session, which was declared unconstitutional. ~~If I had backed off and accepted Hies Dussault's amendments, we would not have the problem today. Live and learn!~~ ~~The Board and OSPI fought this bill all of the way and took it to court.~~ The Board soon realized the governance question was continuing to deteriorate, so on January 7, 1976, they hired Mr. Ed Nelson, Mr. Sam Haddon, and Dr. Joe Crowley to study the governance issue. They set out the legal issue clearly and recommended the Board hire a full-time consultant to develop policy and to recommend legislation to solve the governance problem.

~~Both the Montana School Boards Association and the Montana Association of School Administrators were so concerned about the governance question they passed resolutions in October, 1976, to "take necessary measures to support and strengthen vocational education and make it more responsive to the needs of students in our districts and the State of Montana."~~

The result of ~~all~~ this is HB 69. As ~~originally~~ introduced, it designates the Board of Public Education as the sole State agency responsible for the administration, or for the supervision of the administration for vocational education. We must do this to receive \$3 million a year in Federal funds. The other main part of the bill gave the Board the authority to hire an executive officer to carry out their responsibilities. If they have the responsibility they must have the tools to carry this out.

This presented a problem for the OSPI because ~~she felt she had a~~ responsibility for the K-12 children, which many people of Montana share with her. She wanted an opportunity to demonstrate competent administration of primary and secondary vocational education programs. Section 6, page 3 gives her this opportunity and also brings into play the major new part of the bill, which was first suggested by Superintendent Rice. This is Subsection 5, which gives the Board the authority to contract with the Superintendent of Public Instruction or other appropriate agencies, organizations, or individuals to provide vocational education.

I believe this will give the Board a new tool that will really solve a lot of problems. The Board can contract with the OSPI for K-12, with the Board of Regents for the university and community college programs, with the five post-secondary tech centers, or with private schools for programs that they may be able to do better or cheaper than the State can.

There will be legally binding contracts that spell out programs, costs, and evaluations so that we as legislators will know what we are appropriating funds for and what is the result of these programs.

With your approval of the bill before you now, I believe all parties concerned are satisfied that they have the opportunity to serve the students of Montana with good quality vocational education programs. Laws are only as good as the people who administer them. We must have a spirit of cooperation to make it work. Montana citizens deserve this.

~~With this bill as now written, all parties seem to be satisfied, so I hope the fighting is over with and we can go about the job of serving the people of Montana.~~