

MINUTES OF THE MEETING
EDUCATION COMMITTEE
MONTANA STATE SENATE

February 24, 1977

The twentieth 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. 448: An act to allow school districts to operate less than 180 days under certain emergency conditions with the approval of the Superintendent of Public Instruction; providing for forfeiture of a district's share of state equalization funds when a lesser school term is not approved.

Representative Barrett, District No. 48, Lewistown, Mont., sponsor of the Bill, was called on to present his testimony. He stated this Bill would allow school districts to waive up to three mandatory attendance days for severe weather conditions to protect the safety of school children, and asserted there is some danger involved during bad storms of trying to get children to and from school. He explained the difficulties in trying to make up school days which had been missed on Saturdays or at the end of the term and that the school staff would not be closing down school for just any reason as the Bill provides, on page 4, lines 7 to 10, to change the basis for school reimbursement per ANB based on the actual number of school days.

Proponents of the Bill included:

Maurice Hickey, representing the M. E. A., who stated in the past several sessions similar bills had been introduced, but were too broad; this limits absent days to severe weather conditions and is a much better Bill.

No witnesses appeared in opposition to the Bill.

In closing, Representative Barrett said he would answer any questions.

Senator Blaylock asked if there should be an amendment to page 2, line 10 to change the word "may" to "shall". Rep. Barrett replied he had no objection if the language was better.

Discussion of the proposed amendment resulted in the Chairman directing the Committee Counsel to look into the matter, and closing the hearing on House Bill 448.

CONSIDERATION OF HOUSE BILL No. 315: An act to allow trustees of elementary and high school districts to provide for a religious instruction released time program.

Representative Dassinger, District 50, sponsor of the Bill, was called on to present his testimony. He stated this legislation would allow a maximum of up to 2 hours per week release time from the normal school day for religious instruction; that this is not mandatory, but would allow the trustees to provide this time if they wished.

Proponents of the Bill included:

Jan Brown, Helena, Mont., representing the Montana Association of Churches, handed out a written position statement by the 9-member Association of Churches, copy of which is appended to these minutes, to the effect that release time for religious instruction is not in violation of the federal law when programs are held off school property, and no public funds nor school personnel are involved.

Cindy Scott, researcher for Montana Catholic Conference, on behalf of John Frankino, presented a written statement to the Committee, copy of which is attached, to the effect that educators acknowledge the need for values education programs, parents support the concept, criteria developed by the U. S. Supreme Court must be followed and there is a need for enabling legislation allowing communities to initiate such a program, citing a portion of an Opinion by U. S. Supreme Court Justice Wm. O. Douglas.

Opponents to the Bill included:

Homer Loucks, Helena, Mont., Superintendent of Schools, stated that schools need their instruction time as more special interest types of programs are constantly being developed; that some students would not take advantage of the release time, but a class would be brought to a halt when some students left for this purpose. He also stressed that the school day may have to be extended as there is pressure to get so much accomplished during a school day, and there would be problems with transportation and bus schedules.

Ernest Krumm, Great Falls, Mont., interested as a father and school teacher, submitted a written statement, copy being attached, stating his main objections were that the Bill was against the U. S. Constitution which separates church and state, abuse of the

taxpayer's trust and interference of such release time as it affects the teacher, the teaching process and interruption of lessons and the hard feelings of students remaining in the classrooms.

Dr. Everett Lynn, Helena, Mont., stated he felt the lack of attendance at religious instruction classes was a problem; that this is a parent-derived attitude to have their children exposed to more church training; that successful religious training involves the parent along with the child and should originate in the home. He also stated he would like to hear from the students themselves if they would use the time for the purpose intended.

Robert B. Morris, Helena, Mont., Helena School District #1, representing elementary school principals, whose written statement is attached, commented that the matter is a pressure point religious groups use against school boards and that it is difficult to refuse requests from religious organizations; that the quality of basic education would be hurt because of the interruptions to classes which would detract from effective group instruction; and also that there should be a separation of church and state.

Maynard A. Olson, Helena, Mont., School District #1, stated he was not opposed to the intent of the Bill, but that he felt a satisfactory agreement had been worked out in Helena with the ministers of the various churches whereby schools did not schedule activities after school on Wednesdays to allow for religious instruction and that seemed to be working out.

Maurice Hickey, representing the M. E. A., questioned the school liability for transportation of the students involved and the extra burden on teachers for make-up work and the difficulties of handling the problem in the elementary grades.

Gary Ryti, Helena, Mont., as an elementary school principal and parent, he objected to the Bill because of the difficulty any reduction of instructional school time would cause and that he felt there was already adequate opportunity for religious training without using school time.

In closing, Representative Dassinger commented that schools gave up instructional time for many activities, such as sports events, and believed this would be more important; and the provision making this permissive should alleviate the problems of confusion in classes and does not conflict with state laws, nor did it pertain to a particular faith.

The Chairman then opened the hearing for questions by the Committee. Senator Blaylock commented he had experienced the interruption of classes which was somewhat irritating when it was for no important reason. Little discussion followed.

The Chair closed the hearing on House Bill No. 315.

CONSIDERATION OF HOUSE BILL No. 404: An act not to require the registering of warrants of a school district as long as there were moneys available in any district fund.

Representative Art Sheldon, House District No. 22, sponsor of the Bill, was called on to present his testimony. He stated this was a house keeping measure which permits a minor change in bookkeeping procedure which some districts are already doing, and explained it would allow a cash flow for payment of bills as they are received by a school district, rather than waiting until funds are available in that particular account, or, as the law presently requires, registering a warrant if the money hasn't come in for that particular purpose; if there are other funds available in the budget, the school should not have to go to that extent and expense to get registered warrants.

Proponents of the Bill included:

Bob Stockton, O. S. P. I., affirmed that school districts may be registering warrants drawn against one fund when there was plenty of money in another account; since all the funds are in the county treasurer's office, it merely would be a matter of a journal entry, rather than going through the time and expense of the registration procedure if this Bill were passed and the districts were allowed to draw warrants on existing funds.

There were no opponents to the Bill.

In closing, Representative Sheldon reiterated enactment of the Bill would be a matter of good business and bookkeeping.

Questions by the Committee were called for.

To Senators McCallum's and Smith's questions regarding the school trustees moving money around, Mr. Stockton replied that there were about 18 different accounts designated, but that most schools only used about 5 separate accounts.

To Senator Blaylock's inquiry about the possibility of danger in transferring money or taking money out of a reserve fund, Mr. Stockton advised that school districts already have authority to spend

money whether or not they have any in reserve; that it was just a matter of procedure in registering the warrants which had the effect of borrowing from the bank; and when the funds came in, they were paid back to the bank with interest, but that it was done during the year and not carried over from year to year.

Mr. Stockton replied to Senator McCallum's inquiry that there were about 10 schools which had a reserve of about \$200,000.00.

There being no further questions, the hearing was closed on House Bill No. 404.

DISPOSITION OF SENATE BILL No. 421: The Chairman asked what the Committee's pleasure was on this Bill.

Senator Thomas, sponsor of the Bill, stated he had been advised that unless this passed, they would not be eligible for federal funding.

Bill Lannon, Director of Special Projects, Montana University System, office of the Commissioner of Higher Education, explained that the incentive grant program's purpose is to allow the federal government to allocate money to the state and a state agency would provide non-federal money in a matching amount to be used for grants to students who qualified to attend postsecondary institutions of their choice. He further explained the State Student Incentive Grant program by reading a portion of Public Law 94-482, and said that there was a problem in using state tax appropriated money to fund the grants if students chose to attend private institutions and that this legislation would allow private schools to deposit money obtained from individuals and other private sources with the office of the Commissioner of Higher Education to be used as the necessary matching funds to obtain the federal money allocated to Montana.

Senator Blaylock questioned if there was a problem about separation of church and state, to which Mr. Lannon replied this matter had been taken into consideration and there seemed to be no conflict.

Senator Boylan moved the proposed amendments to Senate Bill 421.

Discussion of the Bill further centered on the necessity of meeting the federal requirements to be eligible for the government funds and the administration of the grant program, with Dr. Kerins, President of Carroll College, advising the colleges would be willing to share the administration costs of the program on a pro rata basis.

Asked by the Committee about the amount of money involved and what the private colleges could match, Dr. Kerins stated they could match the SSIG funds using existing sources and Mr. Lannon answered that a year ago the allocation to Montana was about \$56,000.00; this year they had to return about \$40,000.00 or \$50,000.00 to be re-allocated to other states for lack of administering matching funds and that next year, they estimate Montana's share to be about \$175,000.00.

Senator Fasbender proposed the following amendment to the Bill:

Add a new Section 8 to the Bill: "Administration costs not provided by the federal grant that are attributable to this act shall be negotiated and charged to the individual participants."

After discussion, Senator Fasbender moved the amendments to the Bill as shown on the attached Standing Committee Report. This motion was seconded and unanimously carried.

Senator Warden then moved that Senate Bill No. 421 DO PASS AS AMENDED; this was seconded and carried by unanimous vote.

FURTHER CONSIDERATION OF SENATE BILL No. 109: Senator McCallum, sponsor of the Bill, requested that it be kept in the Committee. Chairman Blaylock granted such request.


DISPOSITION OF SENATE BILL No. 304: Further discussion centered on the school boards not being allowed to give incentive salary increases to deserving teachers.

Senator Fasbender moved that the Bill DO PASS.

Senator Mathers made a substitute motion that Senate Bill No. 304 DO NOT PASS; this motion was seconded and carried by majority vote, with Senators Blaylock, Fasbender, Thomas and Warden voting "no".

ADJOURNMENT:

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


Chet Blaylock, Chairman

ROLL CALL

COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date Feb. 24,
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	✓		

Each day attach to minutes.

COMMITTEE

E BILL S 315, 404

VISITORS' REGISTER

DATE Feb. 24,
1977

& 448

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOSE
Dr. E. L. Lynn	self	315		✓
Maynard B. Olson	S.D. #1 Helena	315		✓
Tom Linder	self	315		✓
Darrell Fenner	SELF / 4-H observing only			
Jim Brown	Met Assn Churches	315	✓	
Lindy Scott High 2	Mont. Catholic Conference	315	✓	
Maurice J. Hesley	Montana Ed. Association	448	✓	
John Jay	self	315		✓
Robert B. Morris	Helena School Dist #1	315		✓
Robert J. Warner	4-H observing only	315		
Tom Pederson	Method 4-H			
JOHN WORCESTER	self	315	✓	
Ernest Krumm, Jr	self	315		✓
Susan Passmore	4-H observing only			
Herb Sanders	4-H observing			

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

Education

DATE Feb. 24
1977

BILL 421

VISITORS' REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME Maurice J. Hickox Bill No. 448
ADDRESS _____ Date 2/24/77

WHOM DO YOU REPRESENT? MEA

SUPPORT ☒ OPPOSE ☒ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME Jim Brown Bill No. 315
ADDRESS P.O. Box 1708 Date 2/24/77
WHOM DO YOU REPRESENT? Mt. Zion Churches
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME Cindy Scott (for John Frankins) Bill No. 315
ADDRESS 530 N. Ewing Date 2/24/77
WHOM DO YOU REPRESENT? Mont. Catholic Conference
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME:

DATE: _____

ADDRESS :

PHONE:

REPRESENTING WHOM?

APPEARING ON WHICH PROPOSAL:

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Ernest Krumm DATE: 2-24-77

ADDRESS: 1013 - 99th Av. S, Et. Falls 59405

PHONE: 727-4814

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: 315

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

COMMENTS: ① (see my statement, 1 copy given
each member)

② I'd like to read the statement
to the committee today.

Thank you
E. Krumm

NAME:

D. E. L. Lynn

DATE:

2-24-77

ADDRESS:

713 Hays, Helena

PHONE:

442 5456

REPRESENTING WHOM?

Self

APPEARING ON WHICH PROPOSAL:

315

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

☒

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Maynard L. Olson

DATE: 2-24-77

ADDRESS :

206 So. Dakota, Helena, Montana

PHONE:

442-9244

REPRESENTING WHOM?

S.P. #1

APPEARING ON WHICH PROPOSAL:

H. B. 315

DO YOU:

SUPPORT?

AMEND?

OPPOSE?

✓

COMMENTS :

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: R. GARY RYTT DATE: 2/24/77

DATE: 2/24/77

ADDRESS: 315 No. FEE HELENA, MONT.

PHONE: 442-2706

REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: HB 315

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: The opportunity for religious

instruction is adequately provided for in the present schedule. Flying handled outside of school. The school day is presently limited to 6 hours and a reduction in this time would result in an extreme interruption in the class schedule.

NAME: ROBERT B. MORRIS DATE: 2/24/77

ADDRESS: 1621 STUART HELENA, MT

PHONE: 443-4311

REPRESENTING WHOM? HELENA SCHOOL DIST No 1

APPEARING ON WHICH PROPOSAL: HB 315

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: As an elementary school principal
I believe that provision contained within
this bill would detract from the quality
of basic educational programs of all
schools in Montana. Interruptions created
would make it impossible to provide
continuous, effective group instruction
in the basic areas of reading, math,
and language arts.

Robert B. Morris
Principal

Bryant Elementary School

STANDING COMMITTEE REPORT

February 24 19 77

MR. President,

We, your committee on EDUCATION

having had under consideration SENATE Bill No. 304,

Respectfully report as follows: That SENATE Bill No. 304,

Introduced Bill,

~~DO PASS~~

DO NOT PASS

P.A.

SENATE COMMITTEE EDUCATION

Date February 24, 1977 SENATE Bill No. 304 Time (6) 26

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 Mathers moved that Senate Bill No. 304 DO NOT PASS;

Motion was seconded and carried by majority vote, with
Senators Blaylock, Fasbender, Thomas and Warden voting "No".

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

Statement, Witness Against HB 315, Religious Instruction Released Time.

**Presented before the Senate Education Committee
Montana State Legislature, 2-24-77, 11:00 A.M., Rm 402, Capitol.**

by Ernest L. Krumm, Jr., 1013 9th Av. S., Gt. Falls MT. 59405

Honorable Senators, my name is Ernest Krumm. I'm speaking as the father of two young school-age boys, as a Korean^{War} Veteran, as a tax-paying property owner, as a counselor, and as a teacher with two life-time credentials and 16 years of public school teaching (with released time for religious instruction), as well as three years of combined experience teaching in Japan and U.S. private and parochial schools. I oppose HB 315 for four main reasons: Constitutional, Tax Trust, Teacher and Student.

Foremost among my reasons is the glaring fact that H B 315's passage would be but another stat's ignoring the U.S. Constitution, which calls for complete separation of Church and State. The enactment of Section 2, HB 315 in itself would be an endorsement of religious instruction during school hours; it would mean using school monies from trusting taxpayers to schedule, announce, and make up for lost public school class time due to so-called "released time" absences. Public school monies are not for anything but public school instruction. Period.

Besides the issues of separation of Church and State (held to be of prime importance by our founding fathers, but increasingly forgotten by subsequent representatives), and that of abuse of the taxpayer's trust, I am so convinced of the importance of my third and fourth reasons for opposing 315 that I am giving them one title, and including it in my book on the obstacles to effectiveness in the public school system. In a word, it is: "Interference."

Interference first as it affects the teacher and the teaching process: Picture a lesson just beginning to be developed, with the children just starting to get settled and interested, even involved. Suddenly over the loudspeaker comes the blast of an administrator or secretary, "Catechism classes time", repeated several times, in a variety of ways, each as disruptive as the other. It is bad, even when done "quietly". Even when done by little messengers who don't realize they are at such times working for the Church, not to mention missing out on their own public-school lessons. Even then, it is disruptive, with the addition of being so to the student messenger's lessons, not to mention those of his or her own classmates. Always, it is disruptive.

Sometimes it breaks into the middle of a lesson. (How do you feel when interrupted, with several of your audience leaving and/or returning before you finish, when in the middle of an important conversation, speech, or argument pro or con on a bill?) Other such interruptions come at the close of a lesson, just when the teacher may be "wrapping up," getting a point over, reviewing, etc. Interruptions. Interruptions of teachers, hired to teach students. Not to direct traffic. Nor baby sit. The more

interruptions, the more teachers are relegated to these functions.

Compounded by outside interruptions is that caused by the innocent child who must respond to the call and get up from his or her desk or whatever, and leave as unobtrusively as possible, considering all the interruption that has already been caused on his account. Later, the entire process (less the announcement) is repeated in reverse, as the class regains its original size with the return of the absentees. (Whose absence shall never be counted as absences, thanks to Part 4, Section 2, HB 315.)

Through all this, of course the teacher survives, and manages a less-than-maximally effective lesson for those left behind, who because of their particular religious beliefs find themselves now "stuck" in class, while their Catholic classmates go dutifully off to Catechism. Eventually some of the released ones "catch up" on some of their lessons, though it will never be possible to regain the threads of the lessons interrupted either in leaving or re-entering the class. (What would the Church say to granting the public schools the right to interrupt church services with announcements of "released time" to make up for released time from public schools?....)

Students remaining behind in public schools have traditionally found it hard to hide feelings of resentment generated during released time for Catechism. These feelings persist, and serve to retard still further the academic, personal and social growth of both the Catholic and non-Catholic student.

We can at least be thankful that thus far only the Catholic Church has decided it could not (or would not?) try to schedule all of its religious instruction during after-public school hours or on weekends. Picture what it would be like, if each of the many western, oriental and Indian beliefs were to be equally honored by released time: Grand Central Station would seem quiet by comparison. Even little Atheists and non-believers unaffiliated with any group might catch on, and demand time off to take instruction regarding whatever it is they might be religious about.

No, schools already have more than enough built-in interruptions. They need to be cut down, not added to. When we begin to be a little more religiously concerned with the maximal growth of all public school students, we won't even consider a bill like HB 315. Why now?

HOUSE BILL 315 -- Released Time for Religious Instruction

Testimony of John Frankino, Montana Catholic Conference

The Catholic Community has been directly involved in education, both secular and religious, for many years. The Church has demonstrated concern for and involvement in all phases of education, public and private, from pre-school to life-long learning.

Based on this deep interest in our educational system and for the children involved in this system, the Education Department of the Montana Catholic Conference reviewed requests for released time programs for religious instruction that have come in from many Montana communities, both large and small. The Department requested a feasibility study concerning voluntary released time possibilities for Montana.

The study concluded the following:

1. Educators are acknowledging the need for properly-devised values education programs. Montana educators are now searching for reliable and acceptable values education programs which recognize that the primary responsibility for values education is with the parent and the secondary responsibility has been given to the schools. Parent-authorized released time programs provide valuable supplement in this effort.
2. Parents in many Montana communities would elect to have a released time program for their children.
3. There is a need for the legislature to enact an allowing provision so that those communities which wish to initiate a released time program may do so.
4. The program must satisfy the criteria developed by the U.S. Supreme Court, as determined in the cases where the court has ruled such programs to be completely constitutional.

- A. The program should require consent from the students' parents or guardian.
- B. The legislation should be designed to provide an exemption to the states compulsory attendance law.
- C. The released time classes should be held in centers other than public school property.
- D. No public funds may be expended for the religious instruction program.

House Bill 315 appears to satisfy these criteria. Montana should be added to the 40-plus states that allow for released time, and Montana children should be allowed to join the better than 5.5 million elementary and secondary school children of all denominations who participate in released time programs in this country.

We thoroughly agree with U.S. Supreme Court Justice Douglas when he said in the ZORACH Case:

"When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our traditions. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs. To hold that it may not would be to find in the Constitution a requirement that the government show a callous indifference to religious groups. That would be preferring those who believe in no religion to those who believe...Separation of Church and State cannot mean that public institutions can make no adjustments of their schedules to accomodate the religious needs of the people. We cannot read into the Bill of Rights such a philosophy of hostility to religion."

Regardless of the 'imagined phantoms' that may be presented to you, we know of no legal or constitutional prohibition that would prevent enactment of a released time program for Montana.

We wholeheartedly support House Bill 315 and encourage you to give it favorable (and hopefully unanimous) consideration.

John Frankino

8) Community and ecumenical interaction is enhanced, in that dialogue is essential in order to implement such participation.

Religious educators of all denominations are interested in creating more effective programs to assist parents in bringing a faith perspective to the child's developing value system. Initially, released time programs in the United States were exclusively Protestant and until recent years, Catholic educators concentrated their efforts in their own parochial schools. The thrust for religious education of all Catholic children in recent years has brought a new awareness of the potential of released time programs in most communities. The availability of released time programs presents a viable option for creative, contemporary planning.

P.O. BOX 404
HELENA, MONTANA 59601

MRLC POSITION - 1977
RELEASED TIME

Montana
Religious Legislative Coalition (MRLC)
Committee of the
Montana Association of Churches

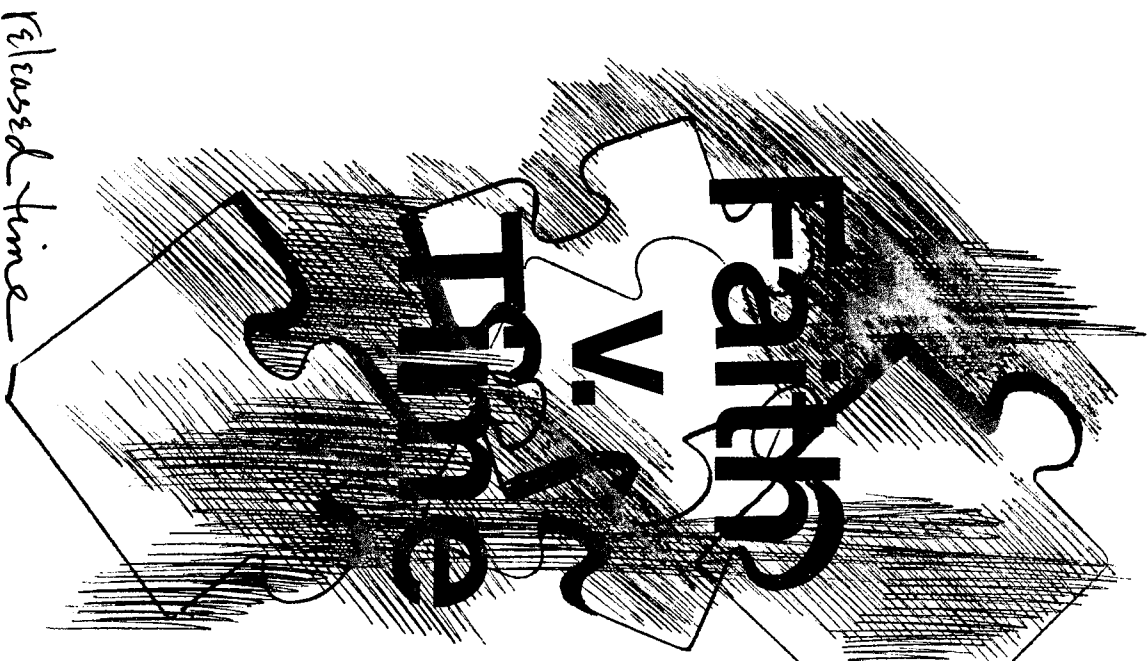
MEMBER UNITS

American Baptist Churches
American Lutheran Church
Christian Church (Disciples of Christ)
Episcopal Church, Diocese of Montana
Lutheran Church in America
Roman Catholic Church
Diocese of Great Falls
Diocese of Helena
United Church of Christ
United Methodist Church
United Presbyterian Church
The Presbytery of Glacier
The Presbytery of Yellowstone

SINGLE MEMBER CONGREGATIONS

(non-voting)

Christ's Church On The Hill, Great Falls
Holy Trinity Serbian Orthodox Church, Butte



HOUSE BILL NO. 315

Date: February 11, 1977

From: Milton K. Negus, Superintendent
Bozeman Public Schools

Phone: 586-5461

Entitled:

"AN ACT TO ALLOW TRUSTEES OF ELEMENTARY AND HIGH SCHOOL DISTRICTS TO PROVIDE FOR A RELIGIOUS INSTRUCTION RELEASED TIME PROGRAM; AMENDING SECTION 75-7403, R.C.M. 1947."

Recommendation: It is recommended that this amendment to Montana Codes be defeated.

Discussion:

One of our directors in the school district had an experience in Minnesota trying to work under a similar bill. This experience in general turned out to be quite negative for the following reasons.

1. It is extremely difficult to schedule students in the Junior and Senior High School to accommodate the times in which religious instruction might be taught by a particular church. In other words, scheduling might make it possible to accommodate the needs of some youngsters while forcing denial to others because of conflicts in course offerings.
2. It was found that many youngsters would claim that they were leaving school for religious purposes when in fact they never showed up at any church. It became a devisive method for children to get out of school for one or two hours a week.
3. Even if legitimate attendance were possible, those who remained in school because of lack of interest in religious activities felt discriminated against.

4. The end result was that in this school district, in order to stay in compliance with Minnesota law, they dismissed school for all students at a particular hour on Wednesdays of each week.

Most teachers today complain that they have extreme difficulty teaching the youngsters all that is expected of them today. To cut into the school day for an additional two hours can and will create further problems for the classroom teacher. If the child in the elementary school is allowed to leave school during an instructional period, it either forces the teacher to hold up instruction while those youngsters are gone or to proceed and have to develop special makeup activities on behalf of the child.

The ultimate solution should be one that resembles what we have adopted in the Bozeman Public Schools. It calls for restricted school activities on Wednesday evenings in respect to the churches and their need for unencumbered time.

We, therefore, urge strongly that you work on behalf of defeating this bill.

NAME: Bill Lannan DATE: 2-24-77

ADDRESS: 33 S. East Chance Gulch

PHONE: 449-3024

REPRESENTING WHOM? Commissioner of Higher Education

APPEARING ON WHICH PROPOSAL: SB 421

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: Amendments as per Testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



THE MONTANA UNIVERSITY SYSTEM

33 SOUTH LAST CHANCE GULCH

HELENA, MONTANA

59601

COMMISSIONER OF HIGHER EDUCATION

February 18, 1977

Senator Bill Thomas
Montana State Senate
State Capitol
Helena, Montana 59601

Dear Senator Thomas,

As per your request, I recommend that Section 7 of SB 421 be amended to read as follows:

"Section 7. Deposit of moneys. Funds received by the Commissioner of Higher Education for the resident student financial assistance program, including funds for the administration of this act, shall be deposited in the State Treasury within the agency fund."

If I can provide any additional information or assistance please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "William J. Lannan".

William J. Lannan

Director of Special Projects

WJL:co

AMENDMENT TO SB 421

Amend on Page 1

Line 12 after the word Montana strike "undergraduate" and insert
"post-secondary"

Line 16 after the word attending strike "an" and insert "a qualified
post-secondary".

Line 16 strike "of higher education"

Line 16 after the word within strike "the"

Line 17 strike "university system as an undergraduate" and insert a "."

Amend Page 2

Line 5 strike in its entirety and redesignate the succeeding sub-paragraphs
accordingly.

Line 11 after the word same strike "units of the university system" and
insert "institution."

Line 13 after the word regents strike the rest of the sentence.

Line 22 after the word grants, strike the rest of the sentence.

"(B) coordinating the eligibility announcements of State post-secondary educational grants and grants under this subpart.

"(5) No State which enters into an agreement with the Commissioner may impose any fee or other charge upon a student for processing of the student's application for a grant under this subpart."

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS

20 USC 1070b. SEC. 122. (a) Section 413A(b) (1) of the Act is amended by striking out "July 1, 1975" and inserting in lieu thereof "October 1, 1979".

20 USC 1070b-2. (b) Section 413C(b) (4) of the Act is amended by striking out "464" and inserting in lieu thereof "494".

STATE STUDENT INCENTIVE GRANTS

20 USC 1070c. SEC. 123. (a) Section 415A(b) of the Act is amended by striking out "July 1, 1975" and inserting in lieu thereof "October 1, 1979", and by adding at the end thereof the following new paragraph:

"(3) Sums appropriated pursuant to paragraphs (1) and (2) for any fiscal year shall remain available for payments to States for the award of student grants under this subpart until the end of the fiscal year succeeding the fiscal year for which such sums were appropriated."

20 USC 1070c-2. (b) Section 415C(b) of the Act is amended by redesignating clauses (4) and (5) of such section, and all references thereto, as clauses (5) and (6), respectively, and by inserting after clause (3) thereof the following new clause:

"(4) provides that, effective with respect to any academic year beginning on or after July 1, 1977, all nonprofit institutions of higher education in the State are eligible to participate in the State program;"

(c) (1) Section 415A(b) (2) of the Act is amended by inserting before the period a comma and the following: "and to make bonus allotments to States pursuant to section 415E".

20 USC 1070c-1. (2) Section 415B(b) is amended by striking out the word "Sums" and inserting in lieu thereof the following: "Subject to the provisions of section 415E, sums".

(3) Subpart 3 of part A of title IV of the Act is amended by inserting at the end thereof the following new section:

"BONUS ALLOTMENTS FOR STATE STUDENT INCENTIVE GRANT PROGRAMS

20 USC 1070c-4. "SEC. 415E. Whenever the sum appropriated pursuant to this subpart for any fiscal year is in excess of \$75,000,000 the Commissioner shall allot, from 33 1/3 per centum of such excess sums, to each State having an agreement under section 428(b) an amount which bears the same ratio to such sum as the number of students in attendance at institutions of higher education in such State bears to the total number of students in such attendance in all such States."

SPECIAL PROGRAMS FOR STUDENTS FROM DISADVANTAGED BACKGROUNDS

20 USC 1070d. SEC. 124. (a) Section 417A(b) of the Act is amended by inserting before the period a comma and the following: "and \$200,000,000 for each of the fiscal years ending prior to October 1, 1979".

20 USC 1070d-1. (b) (1) Section 417B(a) of the Act is amended by striking out "section 417A(a)" and inserting in lieu thereof "subsection (b) of this section".

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SENATE COMMITTEE EDUCATION

Date February 24, 1977 SENATE Bill No. 421 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 Margaret Warden moved that Senate Bill No. 421
DO PASS AS AMENDED; the motion was seconded and carried by
unanimous vote.

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

STANDING COMMITTEE REPORT

February 24 19 77

MR. President,

We, your committee on EDUCATION

having had under consideration SENATE Bill No. 421,

Respectfully report as follows: That SENATE Bill No. 421,

Introduced Bill, be amended as follows:

1. Amend page 1, section 2, line 12.
Following: "Montana"
Strike: "undergraduate"
Insert: "postsecondary"

2. Amend page 1, section 3, line 15.
Following: "enrolling"
Strike: "in a college or university"

3. Amend page 1, section 3, line 16.
Following: "attending"
Strike: "an"
Insert: "a qualified postsecondary"
Following: "institution"
Strike: "of higher education"
Following: "within"
Strike: "the"

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February 24, 1977

4. Amend page 1, section 3, line 17.

Following: "Montana"

Strike: "university system as an undergraduate"

5. Amend page 2, section 5, line 5.

Following: line 4

Strike: line 5 in its entirety

Renumber: All subsequent subsections

6. Amend page 2, section 5, line 11.

Following: "same"

Strike: "unit of the university system"

Insert: "postsecondary institution"

7. Amend page 2, section 5, lines 13 and 14.

Following: "regents"

Strike: ", and members of the council are reimbursed for their travel and expenses as provided in 82A-110"

8. Amend page 2, section 6, lines 22 and 23.

Following: "grants"

Strike: ", except that no single grant may exceed \$500"

9. Amend page 3, section 7, lines 5, 6 and 7.

Following: "program"

Insert: ", including funds for the administration of this act,"

Following: "in"

Strike: "a special fund and expended in accordance with legislative appropriation"

Insert: "the state treasury within the agency fund"

10. Amend page 3, section 7, line 8.

Following: line 7

Insert: "Section 8. Administrative costs. Administration costs not provided by the federal grant that are attributable to this act shall be negotiated and charged to the individual participants."

AND AS SO AMENDED, DO PASS

Q.A.

Chot Blaylock, Chairman