

MINUTES OF THE MEETING  
EDUCATION COMMITTEE  
MONTANA STATE SENATE

March 19, 1977

The twenty-eighth 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, with the exception of Senator George McCallum who was excused.

CONSIDERATION OF HOUSE JOINT RESOLUTION No. 30: A joint resolution directing the Superintendent of Public Instruction to conduct an assessment of the educational needs of bilingual and limited English-speaking children in Montana schools and to devise a plan for meeting those needs.

Representative Dorothy Bradley, Bozeman, House District #77, sponsor of the Resolution, was called on to present her testimony. She stated that there are a number of children in the State for which English is not the primary language and these children do not have an equal opportunity for an education. She referred to Indian children who speak their native language at home and English in school, asserting they do not then have the opportunity to use and learn English to any degree. Indians primarily think that maintaining their culture also means maintaining their native language. She also mentioned a court case in California which had ruled that Calif. children were denied equal opportunity for an education because of a language barrier as equal access to that education is not enough; and because of this, felt Montana should start now to alleviate this situation.

Proponents of the Bill included:

Mary Leonard-Connor, O.S.P.I., Equal Opportuniey Section, who said bilingual and limited English-speaking children were particularly difficult to respond to and they tried to help schools in this respect; but that federal money may be terminated because Montana was not paying attention to the bilingual problems in schools and wanted to prevent the loss of money from happening.

There was no opposition to the Bill.

The Chair opened the hearing for questions by the Committee.

To Senator Warden's question regarding costs of a study, Ms. Leonard-

Connor replied it was her understanding it would take funding, and Rep. Bradley added she had been working on trying to get an actual dollar cost figure.

Senator Smith questioned if there was that great a problem, if it was primarily an Indian problem or if other ethnic groups were involved, commenting he had nothing against Indians, but are we going to start teaching all other languages in schools. Rep. Bradley replied the Resolution did not single out the Indian languages, but that there wasn't significant population of others speaking foreign languages.

Senator Blaylock commented he felt it a great tragedy that the old culture had been ridiculed and ignored of the people first migrating to the U. S.

In closing, Rep. Bradley reiterated the primary concern was to provide equal educational opportunity to all children.

There being no further questions, the hearing on House Joint Resolution No. 30 was closed.

CONSIDERATION OF HOUSE JOINT RESOLUTION No. 72: A joint resolution requesting that the Governor and the Superintendent of Public Instruction provide leadership to obtain the interagency cooperation and coordination necessary to adequately meet the needs of children who by reason of physical, mental, emotional, or social handicap require special care and services.

Representative Ann Mary Dussault, Missoula, House District #95, sponsor of the Resolution, was called on to present her testimony. She stated this Bill named both the chief executive officer and the State Superintendent to provide the leadership necessary to coordinate providing services to the emotionally or mentally handicapped needing special care.

Proponents of the Bill included:

Representative Joe Brand, District 28, who related a situation in his area where a child was shuffled from place to place because of a physical handicap. After meeting with 4 of the State agencies, all of which are supposed to provide these types of services and which overlap, he felt those in need of the services were not getting them because of unresponsive bureaucracy.

There was no opposition to the Bill.

Discussion by the Committee pointed out the large budget of the SRS Department, the problem of overlap of agencies and the worth

of the services eventually provided to those in actual need. Mentioned was a study done over the past 3 years on the state and federal money in special education programs which turned out to be very political since it concerned the issue of delivery of human services.

There being no further questions, the hearing on House Joint Resolution 72 was closed.

CONSIDERATION OF HOUSE JOINT RESOLUTION No. 45: A joint resolution directing the Montana Arts Council to undertake a cultural resources study within the state and to report the findings of the study to the legislature.

Representative John Driscoll, Hamilton, District 91, sponsor of the Resolution, was called on to present his testimony. He stated that usually the first item cut out of the budget is the art and culture matters, but felt this would bring the question of cultural resource development to center stage by the next legislature.

Proponents to the Resolution included:

JoAnn Healy, Anaconda, Mt., stated they had been involved the past 8 years working with small towns to find out about the grass roots areas regarding art and community theater groups through the Arts Council, which showed growing interest.

Bruce Midgett, Researcher with the State Commission on Local Government, and Montana Arts Council, handed out written testimony, copy of which is attached.

Also presented was written support from Kay Burkhart, OSPI, copy of which is appended to these minutes.

There was no opposition to the Bill.

In closing, Rep. Driscoll mentioned that there was a good possibility for a federal grant to fund this study.

Senator Dunkle moved that HOUSE JOINT RESOLUTION 45 BE CONCURRED IN; motion was seconded and carried by unanimous vote. Senator Warden will carry the Resolution on the floor if Senator Mehrens declines.

FURTHER CONSIDERATION OF HOUSE JOINT RESOLUTION No. 30: The Chair announced this should be discussed more extensively as a question raised by Senator Smith had merit and passed this for the day.

DISPOSITION OF HOUSE JOINT RESOLUTION No. 45: Senator Frank Dunkle moved that House Joint Resolution 72 BE CONCURRED IN; motion was seconded and carried by unanimous vote. Senator Dunkle

Senate Education Meeting

Page 4

March 19, 1977

will carry the Resolution on the floor.

ADJOURNMENT:

There being no further business, the meeting adjourned at 11:45 A.M.



Chet Blaylock, Chairman

## ROLL CALL

EDUCATION COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date March 19,  
1977

SENATE

## Education

## COMMITTEE

use Point Resolutions  
30, 45 & 72

**VISITORS' REGISTER**

DATE *March*

19.197

Please note bill no.

ee Bill No.:  
(check one)

SUPPORT | OPP

OF F. O. S.

NAME: Deuce Mayes DATE: 3/19/22

DATE: 3/19/22

ADDRESS: 3680 Merritt Lane, Helena

PHONE: 227-5139

REPRESENTING WHOM? Monteiro v. Coopers

APPEARING ON WHICH PROPOSAL: HR45

DO YOU: SUPPORT? ✓ AMEND?    OPPOSE?

COMMENTS : \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Joann Daley DATE: 3/19/77

DATE: 3/19/77

ADDRESS: 709 E. Third

PHONE: 563-3842

REPRESENTING WHOM? Montana Arts Council / Community Development  
small towns

APPEARING ON WHICH PROPOSAL: HJR 45

DO YOU: SUPPORT?  AMEND?  OPPOSE?

**COMMENTS:** \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Mary Leonard Connor DATE: 3-19-77

ADDRESS: 711 Halter

PHONE: 442-1757

REPRESENTING WHOM? OSPI

APPEARING ON WHICH PROPOSAL: HUR 30

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS : \_\_\_\_\_

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

HJR 30  
SCHOOL DISTRICT NO. 29

BIG HORN COUNTY

WYOLA, MONTANA 59089

W.S. Beaver, Supt.

February 23, 1977

Dear Fellow Educator:

Enclosed is a copy of HJR 30 relating to planning activities at the state level in the field of bilingual education. As of today this Bill has been favorably recommended in the Education Committee of the House and has passed it its second reading. A final reading in the House and the entire passage process in the Senate are still in the immediate future.

I know that you are aware of the serious problems children of limited English speaking ability face in many Montana communities where another language is commonly used in the home. You may be aware that several recent court decisions (an interpretive article is enclosed) have recognized that special programming to prepare such group of children is a fundamental civil right and the obligation of the schools.

Current model bilingual programs exist at Rocky Boy (Cree), Lame Deer (Northern Cheyenne), and in three public school districts (Hardin, Crow Agency, Wyola and Lodge Grass) and an Indian controlled non-public school (Pretty Eagle) on the Crow Reservation. There is also an undergraduate teacher training program and a graduate fellowship program for bilingual trainers at Montana State University. All these programs are funded under the highly competitive ESEA Title VII program. However, it is clear that there are many districts serving bilingual students do not have such federal funds. It is also apparent that even some funded districts are unsure whether to make long term commitments in staffing or curriculum when federal support is uncertain.

It seems important, therefore that Montana consider the example of eight other States that have adopted state-sponsored bilingual programs. HJR 30 is intended to give the state a planning period to assess its needs and resources and to design program suited to fit the particular needs of bilingual groups in our state. With addition federal funding available to the state department it also permits time to increase public awareness of this important, but not widely understood, educational problem.

Since bilingual programs and the need that occasions them are restricted to a few specific areas in the state, it is very important to successful passage of this bill that many people contact representatives and senators to advise them of the need and interest in Bilingual legislation. If you are interested in seeing this legislation pass, please contact several legislators immediately. If the bill passes the House, we would also appreciate oral or written testimony for the hearing, in the Senate Education Committee. For further information you may contact me at 343-2851 (343-2111 evenings), or Bill Yellowtail, OSPI (800-334-3402) or the bill's House sponser, Rep. Dorothy Bradley, (449-5500). Thank you.

Sincerely,



Steve Chesarek  
Bilingual Program Director

SC:bn

Summary of Legislative and Court Trends  
Regarding Bilingual Education

(Legislative Background for HJR 30- Steve Chesarek, Wyola Feb. 1977)

1. Recent Court Decisions

1. Lau v Nichols- In January 1974, the U.S. Supreme Court overturned lower court decisions, ruling in favor of Chinese speaking children in San Francisco. The court held that equal access to school facilities did not provide equal treatment or equal educational opportunity. "Basic English skills are at the very core of what these public schools teach. Imposition of a requirement before a child can effectively participate in the educational is to make a mockery of public education. We know those who do not understand English are certain to find their classroom experiences wholly incomprehensible and in no way meaningful."

The unanimous decision did not address the issue of constitutional rights. The San Francisco Unified School District accepted federal funding and the court found its failure to provide special programming was discriminatory under S601 of the Civil Rights Act of 1964. The court did not specify what type of program (i.e bilingual, English-as a second language, etc.) was needed, leaving acceptable affirmative action plan to the scrutiny of the lower courts.

In the wake of that decision there has been an active enforcement program by the Office of Civil Rights with the publication of a set of Lau Remedies which would provide guidelines to districts found out of compliance and in jeopardy of losing all federal funds. A system of technical assistance centers (the Center for Cross-Cultural Education in Denver for this area) is available to help local districts on request.

2. Serna v Portales-in New Mexico the decision of circuit court was upheld which had included a specific plan for bilingual-bicultural instruction developed by the court, that the court had the power to impose such a plan when discrimination had occurred and that such a remediation would be generally required when sufficient number of children are involved.
3. Aspira v Board of Education-the U.S. District Court of New York ruled in classification controversy that all Hispanic back-

ground students who scored below the 20th percentile on an English proficiency test should be given a Spanish proficiency test. If they scored higher in this, they should be provided with bilingual instruction.

4. Keyes v School District No. 1, Denver Colorado- a Supreme Court ruling upheld a lower court decision which accepted a plan of bilingual education which, at the request the Spanish speaking community also delayed a general racial integration in favor of a more meaningful education plan.

(an excellent extended discussion of this topic is Bilingual Education and the Law: An Overview by Hugo Riviera and Linda Cardoza Kon, National Network for Bilingual Education Intermountain Resource Center 202 East 1300 South Salt Lake City Utah 84108) also the works cited below for text and implications of Lau v Nichols.

## II. Federal Legislation

1. Title VII of Elementary and Secondary Education Act of 1965 as amended. (Bilingual Education Acts of 1968 and 1974) provides supplemental funding to districts providing a program of bilingual instruction-that is "given in, and study of English and to the extent necessary to allow a child to progress effectively through the educational system, the native language of the children of limited English speaking ability and such instruction is given with appreciation for the cultural heritage of such children, and with respect to elementary instruction, such instruction shall, to the extent necessary, be in all courses of study which will allow a child to progress effectively through the educational system."

The Act gives authority for a report to Congress on the state of bilingual education, national assessment, evaluation and information dissemination, local programs, state department support allocations, higher education training programs and a network of regional centers for technical resource, materials development and dissemination.

This is the major federal funding source for bilingual projects. While appropriations have increased dramatically each year (\$7.5 million in 1968 to \$115. million in 1977) grants are highly competitive and reach only a relatively small number of demonstration sites. Basic service education is seen as state

concern under its basic educational responsibility.

2. Other federal programs provide major funding catagories for bilingual education (Equal Educational Opportunity Act of 1964 and Bilingual Vocational Act-Part J of Vocational Amendments of 1968, PL90-576) or have eligibility or priority for children of limited English speaking ability (ESEA Title I, Title II, Title III, Title IV, Johnson-O'Malley program, Indian Education Act etc.)

### III. State Legislation

1. Massachusetts, Texas, Illinois, New Jersey, Pennsylvania, Colorado and Alaska now have laws requiring bilingual programs under certain circumstances and providing state fiscal support,
2. Legislative action in twenty eight states since 1971 has amended or added legislation related to use of non-English languages.

### IV. Montana Bilingual Activity

1. There are currently funded Title VII projects under six local grants for three Indian language groups-Northern Cheyenne (Lame Deer 1971) Cree(Rocky Boy, 1970) Crow(Crow Agency, 1969, Wyola 1975 Lodge Grass 1975, Pretty Eagle 1976).
2. There is a Title VII undergraduate program for bilingual teachers and graduate fellowship program for teacher trainers(Montana State University, 1976).
3. There is an application for State department funding pending.
4. There is no available statewide assessment of the unmet educational needs of Montana's children of limited English speaking ability or of available existing resources of training or materials capacity or existing trained personnel, materials or curricula. The purpose of HJR 30 is to provide such coordination and planning as would help the state meet the needs of these children and provide for their equal educational opportunity.

(Two useful general references are; A Better Chance to Learn: Bilingual-Bicultural Education, U.S. Commission on Civil Rights Clearinghouse Publication No.51, May 1975 and Bilingual Schooling in the United States: A Sourcebook for Educational Personnel, Francis Cordasco, McGraw, Hill, 1975. See also Status and Prospects for Bilingual Indian Education in Montana, J. Stephen Chesarek, unpublished master's paper, Montana State University, March 1976).



# State Commission On Local Government

HJR 45

Mailing address:  
Capitol Post Office  
Helena, Montana 59601  
406/449-2814

Office:  
Room 201, Power Block  
6th & Last Chance Gulch  
Helena, Montana

## COMMISSION MEMBERS

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Billings

Harold A. Frysle, Vice-Chairman  
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Glen L. Drake  
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Thomas L. Judge  
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Director

Rick Reese  
Deputy Director

## MEMORANDUM

TO: Members, Senate Committee on Education

FROM: *Bruce Midgett*, Researcher, State Commission on  
Local Government/Montana Arts Council

DATE: February 9, 1977

RE: HJR45:

### I. Background.

Throughout 1976 my time has been divided between the State Commission on Local Government and the Montana Arts Council. With the State Commission I have had primary responsibility for recodifying and rewriting state statutes pertaining to libraries, the arts and cultural affairs and several other unrelated and incidental areas. My work for the Arts Council was to consist of designing and carrying out a variety of research tasks which would serve the Arts Council in setting funding and program priorities and making other decisions affecting the arts in Montana.

### II. The Problem/Need.

The major problem discovered, and that addressed by HJR45, is two-fold. First, the state of Montana has never articulated a coherent policy with regard to the arts or its cultural resources. While the Arts Council, the Historical Society and other state governmental agencies have developed components of a policy, the legislature has yet to embrace a statement which affirms and integrates much of what guides these state agencies.

Secondly, there is no base of information from which facts can be gleaned to produce the conclusions and resolutions needed to, among other things, raise funds, define private and public sector roles, establish standards and determine the nature and extent of the needs of artists and the general public. Development and maintenance of a data base is an ongoing process that requires continuing staff attention --

VCR  
REVIEW

Memo

February 9, 1977

Page 2

the kind of attention that is virtually impossible within the severe budgetary constraints imposed upon the Arts Council.

Within the context of this dual problem, a decision was reached among Arts Council members, staff and myself that a more comprehensive and extensive information gathering effort should be undertaken and that my immediate role with the Arts Council should focus upon infusing the arts into the proposed Local Government Code (HB 122) and developing some alternative legislation in the arts for presentation in this legislative session.

### III. The Cultural Resource Development Study.

The study that is proposed in HJR45 will be funded primarily by a National Endowment for the Arts Program Development grant. Additionally, there are other sizable grants known to be available to assist in the project. A companion bill was drafted to obligate state funds for the study, but that bill, along with two other pieces of arts legislation, was not introduced so that more attention might be directed to the concept of the study and its proposed benefits. Though the grant funds mentioned are not necessarily contingent upon the legislature's approval of HJR45, a favorable response to requests for these funds might well be expedited by the legislature's assent to the resolution.

The study is designed to accomplish a number of major things for the arts. First, it will seek to provide a solid base of data to compliment the efforts of many communities in the state to plan for their cultural activities and to manage their arts services and institutions more adequately. The data base is to be acquired through a three-pronged survey which proposes to generate extensive information from artists, arts services and arts institutions; state and local government agencies which do not have a priority concern with the arts or cultural affairs; and the general public, concerning attitudes, values, needs and desires.

Secondly, the study will fully explore alternative roles for local governments, the state government and the private sector in supporting and assisting the arts and cultural services, including, where possible, the development of appropriate structures and forums for such support and assistance.

Finally, it is expected that all of this will be condensed into a state cultural resources policy which will be included in recommendations to the legislature no later than June 30, 1979.

### IV. Conclusions.

The objective of this resolution, then, is that the legislature assent to taking an initial step toward the development of a state cultural resource policy.

Memo  
February 9, 1977  
Page 3

This comes at a time when evidence as to the public's need and desire for more diverse and plentiful cultural activities is growing beyond any previous expectations: Louis Harris has conducted nationwide and regional polls on the arts and he finds people willing to pay additional taxes to support cultural activities. State and municipal governments are taking legislative measures to ensure that public buildings satisfy an esthetic as well as a functional need. In Montana, the blizzard of community bicentennial projects was dominated by cultural activity.

Though the arts affect everyone, the heretofore imperceptible ways they are manifested loom most important. The resolution directs that these imperceptibles be measured, defined and catalogued and that the intuitive voice which has supported and guided the arts in Montana be given the benefit of research methodology.

BM/ls

HJR 45



STATE OF MONTANA

OFFICE OF THE STATE SUPERINTENDENT

MONTANA 59110

DOLORES COLBURG  
Superintendent of  
Public Instruction

To: Senate Committee On Education

From: Kay Burkhardt <sup>KB</sup>  
Assistant, Arts Education Program

Re: HJR45: (Arts and Cultural Affairs Community Survey)

The Office of Public Instruction has long espoused interest in Arts and Cultural Affairs, and has actively promoted this interest on local, state and national levels. Particular emphasis and momentum accrued to the arts when, in October 1975, the Superintendent initiated the office position, of Arts Coordinator. This action coincided with the legislatively mandated study on Basic Quality Education in Montana (a study which is inherently supportive of the Arts); and, with nationwide and regional Harris polls which found both interest in the arts and commitment to them on an increase.

During the first year and a half of the arts program efforts, some basic directions were articulated and implementation begun.

At this time, under the program title Arts Education, communication and service systems between the Office of Public Instruction and local, state, and national sectors have been devised and are functional.

However, the arts education program has identified an urgent need to develop a solid base of data which would more precisely define school and community arts curricula, programs, resources, facilities, needs and attitudes.

We agree that the cultural resource development study, as presented in HJR45, would be of immediate assistance to us in developing responses and programs to meet these needs.

Preliminary conversations between our office program, members of the State Commission on Local Government and the Montana Arts Council have been initiated regarding a mutual assistance basis for development of survey instruments and production of data. We are confident that good survey results can occur with great benefit to all.

The 1977 legislature, were it to pass HJR45, would assure optimum use of our available arts resources and possibilities, and of our capacity to support intelligent planning to that end; further, HJR45 would place Montana among the growing ranks of those states making concerted efforts to define their arts and cultural resources policies.

Careful research and solid data upon which to base those policy and program decisions are the most reliable means for you, and for us, to be informed and active mentors of our constituencies, our schools and our communities.

SENATE COMMITTEE

EDUCATION

Date March 19, 1977 HOUSE JOINT RESOLUTNo. 72 Time 10:16

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 Frank Dunkle moved that House Joint Resolution  
No. 72 BE CONCURRED IN: motion was seconded and carried by  
unanimous vote.

Senator Dunkle will carry on the floor.

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

# STANDING COMMITTEE REPORT

.....March 19.....19 77....

MR. ....President,.....

We, your committee on.....**EDUCATION**.....

having had under consideration .....**HOUSE JOINT RESOLUTION**..... Bill No. ....72,.....

Respectfully report as follows: That.....**HOUSE JOINT RESOLUTION**..... Bill No. ....72,.....

**Third Reading,**

DO PASS

**BE CONCURRED IN**

  
**Chet Slavlock**

Chairman.

SENATE COMMITTEE

EDUCATION

Date March 19, 1977 HOUSE JOINT RESOLUT No. 45 Time 4:16

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 Frank Dunkle moved that House Joint Resolution  
No. 45 BE CONCURRED IN; motion was seconded and carried by  
unanimous vote.

Sen. Warden will carry on the floor (if Sen. Mehrens declines).

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

March 19 1977

MR. ....**President**.....

We, your committee on .....**EDUCATION**.....

having had under consideration .....**HOUSE JOINT RESOLUTION**..... Bill No. 45.....

Respectfully report as follows: That.....**HOUSE JOINT RESOLUTION**..... Bill No. 45.....

**Third Reading**,

**BE CONCURRED IN**

~~CONFAGG~~

(A)

*Chet Blaylock*

Chairman.