

MINUTES OF THE MEETING
EDUCATION COMMITTEE
MONTANA STATE SENATE

April 2, 1977

The thirty-fourth 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 Bill Thomas who was excused.

CONSIDERATION OF SENATE BILL No. 447: An act to submit to the qualified electors of Montana an amendment to Article VI, Sections 1, 2, 3, 4, 6, and 7, and Article X, Sections 4 and 9, of the Montana Constitution to abolish the office of Superintendent of Public Instruction; or an alternative amendment to Article X, Section 9, of the Montana Constitution to abolish the Board of Public Education.

Senator George McCallum, District 12, was called on to present his testimony. He explained the purpose of his Bill was to give the people a choice by putting the issue on the ballot of abolishing the elected State Superintendent or the appointed Board of Public Education, or a third alternative of retaining both offices. Reason for the third choice was explained in a letter submitted and attached hereto from Diana Dowling, Legislative Council attorney, together with a letter from JoAnn Woodgerd, office of the Secretary of State, advising this issue could be put on the ballot for all county elections, also attached. He felt this matter should be finally settled since it had caused so much friction and conflict for so long and was too important for the Committee to decide on its own.

Proponents of the Bill included:

Harriet Meloy, Board of Public Education, stated they had discharged the duties given them to the best of their ability, but perhaps someone else should decide the matter.

Alve Thomas, Deputy State Superintendent, said if this issue was put on the ballot for the electorate to choose, they have no objection.

No witnesses appeared in opposition to the Bill.

In discussion, Senator Warden expressed her opinion that the Committee should study this and decide as they had more knowledge

than the general public about what the intricacies of the situation were. Senator Smith thought the public was better informed and involved in such matters and should not be underestimated. Senator Fasbender commented that the voting public would not vote to take away an elected office; that the Committee was more educated on the matter and suggested an interim study be made to expedite an intelligent decision next session, which was endorsed by Senator Warden. Senator Blaylock mentioned a recent study costing about \$250,000 of the higher education systems in the State, for which they could derive no usable information.

Discussion of interim studies was carried on to considerable extent, together with the aspects of the political issue involving HB 69 and the vocational education programs and funding, an audit of both the Board and the Superintendent, the evaluations of vocational centers and the possibility of having a comprehensive interim study as being compatible with this Bill.

Senator McCallum moved that Senate Bill 447 DO PASS; motion was seconded and carried by majority vote, with Senators Blaylock, Mathers, Fasbender and Warden voting "no".

DISPOSITION OF HOUSE BILL 816: Staff attorney Bobinski sent over the proposed amendments with the Committee.

Senator Smith moved that the amendments as shown on the attached Standing Committee Report numbered 1 through 6, and 8 through 14, BE ADOPTED; motion was seconded and unanimously carried.

Senator Dunkle moved that the proposed amendment No. 7 as shown on the attached Standing Committee Report BE ADOPTED, motion was seconded and carried unanimously.

Senator Fasbender moved that House Bill 816 AS AMENDED, BE CONCURRED IN; motion was seconded and carried unanimously. Senator Smith will carry the Bill on the floor.

DISPOSITION OF HOUSE JOINT RESOLUTION No. 84: As a companion measure to HB 816, Senator Dunkle moved that HJR 84 BE CONCURRED IN; motion was seconded and unanimously carried. Senator Dunkle will carry the Resolution on the floor.

DISPOSITION OF HOUSE JOINT RESOLUTION No. 75: An amendment shown on the attached Standing Committee Report was proposed and discussed.

Senator Smith moved that HJR 75 AS AMENDED, BE CONCURRED IN; motion was seconded and carried by majority, with Senator Dunkle voting "no". Senator Murray will carry the Resolution on the floor.

Senator Mathers announced that Mrs. Meloy and Mrs. King of the Board of Public Education had contacted him and that they had a proposal they wished to present to the Committee.

Harriet Meloy stated the Board would like to be designated as the sole agency to be responsible for all of the vo ed program on the postsecondary level and leave secondary education in the OSPI.

Discussion touched on the previously recommended interium study, the possible friction this move might create; and Senator Mathers commented the Board now has an executive officer because of the passage of SB 138. Visitation of vo ed centers was also suggested.

Chairman Blaylock stated he would entertain a motion to take HB 69 off the table at the next meeting of the Committee on April 5th.

ADJOURNMENT:

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

Chet Blaylock

ROLL CALL

EDUCATION

COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date April 2, 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	✓		

SENATE

Education

COMMITTEE

HIEBILL 1147

VISITORS' REGISTER

DATE April 2
1977

NAME

REPRESENTING

BILL #

(check one)
SUPPORT OPPOSE

Mary McAllan

~~for~~ self

undecided

Oliver Thomas

OPI

T. Earl Johnson

SAM

Harriet H. McAllan

BPT

HOUSE MEMBERS

ROBERT L. MARKS
CHAIRMAN

FRANCIS BARDANOUVE

OSCAR KVAALEN

PAT MC KITTRICK

ROSE WEBER
EXECUTIVE DIRECTOR

ELEANOR ECK
ADMINISTRATIVE ASSISTANT

ROBERTA MOODY
DIRECTOR, LEGISLATIVE SERVICES



Montana Legislative Council

State Capital

Helena, 59601

(406) 449-3064

SENATE MEMBERS

CARROLL GRAHAM
VICE CHAIRMAN

CHET BLAYLOCK

GLEN DRAKE

FRANK HAZELBAKER

DIANA DOWLING
DIRECTOR, LEGAL SERVICES,
CODE COMMISSIONER

ROBERT PERSON
DIRECTOR, RESEARCH

March 21, 1977

TO: Senator McCallum

FROM: Diana S. Dowling *Diana*

RE: Constitutional Amendment Concerning Public Education

SB is different from other constitutional amendments that have been prepared this year because of the alternative given to the voters. Most constitutional amendments provide only two choices, To amend the constitution as stipulated or Not To amend the constitution.

The subject matter of Sb could be said to be whether To amend the constitution to provide only one head of public education or Not to amend the constitution. However, if the voters decide that they want only one head they must further decide whether that head be the Superintendent of Public Instruction or the Board of Public Education.

I know of no other way to prepare such a constitutional amendment. The alternatives must be presented at one time to the voters so that they can vote on only one item. If you presented separate questions it would be possible that they would vote to abolish both the board and the superintendent's office and that is not the intent of the bill. You also must allow the voters to vote against amending the constitution. If you gave them only the first two alternatives, in reality they would not be voting whether or not to amend the constitution because that would be a foregone conclusion and they would just be voting on which way to amend it.

The bill appears complicated, but after examination it is very simple:

Section 1 amends all parts of the constitution necessary to strike references to the Board of Public Education if the people so vote.

Senator McCallum
March 21, 1977
Page Two

Section 2 amends all parts of the constitution necessary to strike references to the Superintendent if that is the people's choice.

Section 3 prescribes the form of the ballot.

You should note that the ballot will contain only the Title and A., B., and C. of Section 3. The voter pamphlet will contain the entire body of the bill, as well as the Attorney General's explanation and the arguments for and against the measure.

The only similar type ballot was used when the new constitution was voted on. If you remember the people had to vote on alternative issues regarding a unicameral legislature, death penalty, and gambling.

If I can be of further assistance, please advise.



STATE OF MONTANA

OFFICE OF THE

SECRETARY OF STATE

FRANK MURRAY
SECRETARY OF STATE

JO ANN WOODGERD
CHIEF DEPUTY

HELENA, MONTANA 59601

4-1-77

Senator McCallum
State Senate

Dear George -

Since the hearing on SB 447
was scheduled today and is actually
tomorrow - didn't realize I wouldn't
be able to be there - Have to be
in Missoula tomorrow -

You can tell the committee
that we have checked with counties
having different types of voting
machines and putting your proposed
amendment on the ballot is possible
in all counties -

"SAFE DRIVERS MAKE SAFE HIGHWAYS"

Jo Ann
Woodgerd

SENATE COMMITTEE EDUCATION

Date April 2, 1977 SENATE Bill No. 447 Time 7:00 p

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 George McCallum moved that Senate Bill No. 447

DO PASS; motion was seconded and carried by majority vote, with

Senators Blaylock, Mathers, Fasbender and Warden voting "no".

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

STANDING COMMITTEE REPORT

.....April 2..... 19 77.....

MR.PRESIDENT.....

We, your committee onEDUCATION.....

having had under considerationSENATE..... Bill No. 447.....

Nancy

Respectfully report as follows: ThatSENATE..... Bill No. 447.....

Introduced Bill,

DO PASS

2

SENATE COMMITTEE EDUCATION

Date April 2
March 29, 1977 HOUSE Bill No. 816 Time 5:00 PM
3:00

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 Larry Fasbender moved that House Bill No. 816
AS AMENDED BE CONCURRED IN; motion was seconded and carried
by unanimous vote.
Senator Ed Smith will carry on the floor.

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

STANDING COMMITTEE REPORT

April 2 19 77

MR. **PRESIDENT**

We, your committee on **EDUCATION**

having had under consideration **HOUSE** Bill No. **216**

Respectfully report as follows: That **HOUSE** Bill No. **216**

Third Reading Bill, be amended as follows:

1. Amend page 3, section 1, line 22.

Following: "handicapped,"

Strike: "seriously"

2. Amend page 5, section 1, line 3 through line 11 on page 6.

Following: line 2

Strike: line 3 on page 5 through line 11 on page 6 in their entirety,

Insert: " "Emotionally disturbed" means a condition exhibiting one or more of the following characteristics to a marked degree and over a long period of time: an inability to learn which cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate types of behavior or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to

~~DO PAGE~~

April 2, 1977

House Bill 816

2. Continued:

develop physical symptoms, pains, or fears associated with personal or school problems. The term does not include children who are socially maladjusted. The emotionally disturbed category may include students who also may have been diagnosed by appropriate specialists as autistic, psychotic, sociopathic, or schizophrenic. An emotionally disturbed child's disorders are not primarily the result of problems with visual acuity, hearing impairment, physical handicaps, cultural or instructional factors, or mental retardation. "Emotionally disturbed" refers to a person who has been identified, based on a comprehensive evaluation, as having observable behavioral patterns which seriously inhibit the academic and social or emotional growth of the individual or the educational rights of others to the point that supportive services are required. These behavioral patterns may include:

- (a) excessive physical or verbal aggression toward oneself or others and a lack of response to regular educational intervention;
- (b) high frequency of persistent inattention to academic or social tasks associated with regular classroom performance; and
- (c) persistent withdrawal from peer or adult interactions associated with the expected social development in a regular educational environment."

Renumber: All subsequent subsections

3. Amend page 6, section 1, line 23.

Following: "or"

Insert: "or"

4. Amend page 8, section 2, line 5.

Following: "A"

Strike: "FULL"

Insert: "FREE"

5. Amend page 9, section 3, line 7.

Following: "serve the"

Strike: "special education"

Insert: "handicapped"

April 2, 1977

House Bill 816

6. Amend page 11, section 4, line 6.

Following: line 5

Strike: "that"

Insert: "who"

7. Amend page 13, section 6, line 9.

Following: "September 1,"

Strike: "1978"

Insert: "1977"

8. Amend page 16, section 7, lines 16 through 18.

Following: line 15

Strike: lines 16 through 18 in their entirety

9. Amend page 20, section 12, line 6.

Following: "CLASS"

Strike: "SHALL"

Insert: "MAY"

10. Amend page 22, section 13, lines 24 and 25.

Following: "district"

Strike: "in order to fulfill the responsibilities of their particular job description"

Insert: "on an itinerant basis from school to school or district to district"

11. Amend page 23, section 13, line 2.

Following: "rate"

Strike: "basis"

Insert: "mileage rate"

12. Amend page 23, section 13, lines 3 through 6.

Following: "purposes."

Strike: lines 3 through 6 in their entirety

13. Amend page 26, section 13, line 16.

Following: "for"

Strike: "physically"

Following: "students"

Insert: "who need special facilities"

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House Bill 816

14. Amend page 27, section 13, line 4.

Following: "FOR"

Insert: "DISTRICT-OWNED"

AND AS SO AMENDED, BE CONCURRED IN

Chet Blaylock, Chairman

SENATE COMMITTEE EDUCATION

Date March 29, 1977 HOUSE JOINT RESOLUTION No. 84 Time 4:10 - 4:20

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. 84 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

April 2 1977

MR. PRESIDENT,

We, your committee on EDUCATION

having had under consideration HOUSE JOINT RESOLUTION Bill No. 84,

Nancy

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 84,

Third Reading Bill,

~~DO NOT~~

BE CONCURRED IN

SENATE COMMITTEE EDUCATION

Date March 26, 1977 HOUSE JOINT RESOLUT.No. 75 Time

(3) 9 10/10 -
(2) 20

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 Ed Smith moved that House Joint Resolution No. 75
AS AMENDED, BE CONCURRED IN; motion was seconded and carried
by majority vote, with Senator Dunkle voting "no".
Senator Murray will carry on the floor.

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

STANDING COMMITTEE REPORT

April 2, 19 77

MR. PRESIDENT,

We, your committee on EDUCATION

having had under consideration HOUSE JOINT RESOLUTION Bill No. 75,

Nancy

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 75,

Third Reading Bill, be amended as follows:

1. Amend page 3, line 5.

Following: "(1)"

Strike: "develop"

Insert: "utilize multidisciplinary approaches in"

~~DEPASE~~

AND AS SO AMENDED, BE CONCURRED IN