

State of Montana
46th Legislative Session

EDUCATION COMMITTEE

Minutes of Meeting

A meeting of the Education Committee of the House of Representatives was called to order at 1:30 p.m., Friday, January 19, 1979 in Room 5 of the Capitol Annex by Chairman, Peter J. Gilligan.

Roll was taken. Representatives Yardley, Lund and Kvaalen were excused. All other members of the committee were present.

The purpose of the meeting was to hear House Bills 132, 140 and 142.

Testimony relating to House Bill 142 was preceeded by Rep. Jensen, explaining the history of the bill and stating that there are eleven western states which have legislation similar to this in effect.

Representative Jensen read testimony submitted by Jan Brown, of Helena, Legislative Liaison for the Montana Religious Legislative Coalition. (See Exhibit 1)

Other proponents of House Bill 142 were:

John M. Moes, 1427 Waukesha, Helena, Mt. - Mr. Moes stated that parents have primary rights to choose the education of their children. He suggested a change in the wording of the bill to read "alternative" rather than "religious". (See Exhibit 2)

Jack P. Sharp, 2123 Broadway, Helena, Mt. - As the parent of four children (ages 10-17), Mr. Sharp would like them to have the option, at high school level, of religious instruction off-campus for one-hour each day (i.e., five hours per week). This class would be an alternative to other electives or study hall. (See Exhibit 3)

David Maughan, 1516 Broadway, Helena, Mt. - Mr. Maughan testified that release time for religious education is allowed in other states including Wyoming, Idaho, Arizona, Oregon, New York, etc. He further stated that it has been found that students participating in the religious release time:

1. cause no interruptions to the school day
2. have not contributed to problems such as being tardy
3. generally become leaders in their schools
4. do not upset money received by the schools for student attendance

(See Exhibit 4)

Merlyn Lofgren, 2421 Glen Dr., Missoula, Mt. - Mr. Lofgren stated he felt facilities and instructors should be provided by the institutions that sponsor religious instruction. He supports the proposal of five hours per week for released time religious instruction. (See Exhibit 5)

Opponents of House Bill 142 included:

Alve Thomas, Office of Public Instruction, Helena, Mt. - The OPI opposes the release of five hours per week from regular school time for religious instruction. Schools are in session for only 30 hours out of a total of 168 hours in a week and OPI believes that is a minimum amount of time necessary to cover the instructional responsibilities of the high school. By law, school may not be conducted on Saturday or Sunday, and OPI further encourages schools to set aside at least one night a week for religious and other activities and that no school functions be scheduled for that time. (See Exhibit 6)

Leonard Sargent, 501 N. Sanders, Helena, Mt. - (Mr. Sargent is the Executive Director, Montana School Boards Association) The MSBA feels that the request to legislate and increase in religious instruction release time is unreasonable and potentially damaging to the student's academic schedule. (See Exhibit 7)

Phil Campbell, 1232 E. 6th Ave., Helena, Mt. - (Montana Education Association) The MEA opposes release time during the regular school day for sectarian purposes. (See Exhibit 8)

Maynard A. Olson, 206 S. Dakota, Helena, Mt. - Helena School Dist. 1. The school week is presently only 30 hours. There should be sufficient time for religious instruction on Saturdays, Sundays, mornings before school and during the evenings. (See Exhibit 9)

Chad Smith, Montana School Boards Association. Mr. Smith reaffirmed MSBA position as stated earlier by Mr. Sargent. Mr. Smith feels that perhaps if religious instruction was provided to the student during personal time, the student might gain more from it than if the time involved is traded for regular school hours. (See Exhibit 10)

Jacob Block, School Administrators of Montana.

Mr. Block feels this is part of a continuing assault on the school day.

Representative Jensen assured committee members the time allowed for religious instruction would be either a one-hour or a 55-minute time period coinciding with the scheduling system of each school involved.

The Chairman asked the committee if they had any questions for the witnesses.

Representative Reichert asked Mr. Campbell if the MEA knew of any specific cases where religious instruction had caused a problem with public busing expenses. Mr. Campbell said he was not aware of any such problems.

Representative Nordtvedt asked Representative Jensen if proponents of the bill would compromise regarding school boards having more control of picking hours for religious instruction and wondered if study halls might not be an appropriate time for religious instruction. Rep. Jensen felt there would be no objection to either of these points.

In closing Representative Jensen mentioned amendments to the bill might include requiring that religious institutions provide instructors and record attendance. His first concern is that students attend high school and attend religious training second.

Representative asked how much release time students are given for part-time employment. Mr. Olsen stated that in Helena, only seniors are released the last period of the day.

Representative Anderson referring to page 1, lines 16 and 17, "upon written request, at least annually, of the pupil's parent or guardian.", asked if the words "and with approval of the school administrator." might be inserted. Representative Jensen had no objection to this change.

(Also see Exhibits 11, 12 & 13 - which were submitted by witnesses who did not give oral testimony)

Chairman Gilligan closed the hearing on House Bill 142, and asked Representative Pistoria to begin testimony relating to House Bill 140.

Representative Pistoria explained to committee members that House Bill 140 would allow more citizens to be involved in the school districts. Prior to coming to the meeting Representative Pistoria was informed that a transition amendment should be included in this bill and will take the necessary action to see that it is.

Proponents of House Bill 142 were:

Dave Sexton, 1232 E. Sixth Ave., Helena, Mt. - (Montana Education Association. MEA beleives election of school trustees from single member districts will make school boards more representative of the communities they serve. (See Exhibit 14)

Opponents of House Bill 142 were:

Leonard Sargent, 501 N. Sanders, Helena, Mt. - Montana School Boards Association. Mr. Sargent said the MSBA opposes this bill because the major argument for setting up a system of single-member trustee districts within our larger school districts has been a concern that such present boards are not representative of the community; that certain areas or populations do not have proper representation on the school boards. If this truly was a problem, Mr. Sargent would expect to find a number of representatives of this group here testifying for the bill. Mr. Sargent stated this is not the case and went on to say that the major proponent of this measure is a school employee representative. MSBA plotted out the residences of school board members in several major school districts (See Exhibit 15) and found that the geographical distribution was quite satisfactory. The only possible exception would be in the Billings

School District but even this is currently changing (See Exhibit 16)

Chad Smith, MSBA, reiterated Mr. Sargents position. (See Exhibit 10)

Joy Wicks, Rt. 2, Lewistown, Mt. - Ms. Wicks testified: "We are borderline population wise and feel the passage of this bill would be very costly as well as diluting the quality of the board, therefore, we are in strong opposition to said bill."
(See Exhibit 17)

At this time, committee members were allowed to question witnesses.

Representative Oberg asked Representative Pistoria if school district lines would be made by the County Superintendent of School. Rep. Pistoria said he felt this might be better answered in Executive Session of the Committee.

Representative Gilligan asked Mr. Sargent what the socio-economic status of school board members is. Mr. Sargent replied there is quite a range, and several professionals are members of some of the boards.

Representative Teague asked Mr. Sargent if he felt the south-side Billings residents have been fairly represented on the school board. Mr. Sargent remarked that the south-side residents are not represented because they don't vote. Rep. Teague inquired if Mr. Sargent felt the passage of this bill would get more people to vote. Mr. Sargent had no comment on this question.

The hearing on House Bill 140 was closed. Chairman Gilligan asked Representative Eudaily to begin testimony on House Bill 132.

Representative Eudaily briefly explained House Bill 132 to the committee and stated this bill simply makes third class districts the same as first and second class districts in filling vacancies.

Proponents of House Bill 132 were:

Leonard Sargent, 501 N. Sanders, Helena, Mt. - Montana School Boards Association. Mr. Sargent told committee members that this bill was introduced at the request of MSBA and would affect all third class districts with or without high schools. MSBA feels it is only proper to allow these districts to appoint qualified persons to fill vacancies on their school boards themselves. The present law calls for the county superintendent to make such appointments. In many of these districts the county superintendents serves as the administrator and supervises the general school program. It is a questionable management practice to have the administrator appoint members of a board he serves in this capacity. (See Exhibit 18)

Chad Smith, Montana School Boards Association, again reiterated Mr. Sargents testimony. (See Exhibit 10)

There were no opponents to House Bill 132 present at this hearing.

Representative Daily asked if any one present could explain what the difference is between the different classifications of districts. Mr. Sargent explained that size is the difference with class 3 being the smallest.

The hearing was closed on House Bill 132.

Chairman Gilligan assigned Representative Magone to Chair a sub-committee on House Bill 105. Representative Oberg and Representative Anderson were also assigned to this sub-committee.

The meeting adjourned at 2:55 p.m.


Peter J. Gilligan, Jr.
Chairman