

HOUSE EDUCATION COMMITTEE MINUTES

March 9, 1981

The House Education Committee convened at 12:30 p.m., March 9, 1981, in Room 129 of the State Capitol, with Chairman Eudaily presiding and all members present except Reps. Donaldson, Dussault, Hanson and Lory, who were excused.

Chairman Eudaily opened the meeting to a consideration of the following bills: SBs 456 and 458 and SJR 12.

SENATE JOINT RESOLUTION 12

SENATOR BOB BROWN, District 10, chief sponsor, said the resolution was introduced at the request of a first grade teacher in Great Falls. She felt class size was the most important factor in teaching children to read. If the class could be limited to 15 pupils, she felt they could be taught to read and be provided with the tools to learn more later. The study would focus on the relationship between class size and learning for the very young students. He showed on a chart how when the class size is 15 or less, the learning level takes off. He felt this was well worth making into an interim study.

TONI McCOMBER, Montana Education Association, said they agree with the statements made by the sponsor. She said it is very important that the best learning environment possible be had for the child.

There were no opponents. Senator Brown had no closing statement.

Questions were asked by the committee. Rep. Andreason questioned if this kind of subject wouldn't have been the focus of many studies by students at the university or other interested people. He wondered at the feasibility of the state doing another study. Senator Brown said the study hasn't been done by the Legislature that he knows of. Class size is established by the law. Rep. Andreason felt this could better be done by a graduate student study rather than by the Legislature. Senator Brown said this is not the way the studies usually proceed. Graduate studies could be consulted.

Rep. Hannah asked if the Legislature or the Board of Education sets the class size. Chairman Eudaily said the accreditation standards are set by the Board of Education.

HOUSE BILL 458

SENATOR JOSEPH P. MAZUREK, District 16, chief sponsor, said this was a Senate Education Committee bill that he had agreed to carry. The bill was suggested by Dick Trerise, Lewis and Clark County Superintendent, and eliminates the application for isolated school status the first year they fall below the required number. He said the application for isolated school status is a complicated process and very burdensome administratively. The reason for the bill is for a stable rural community that might dip below for one year and then have the enrollment rise the following year. He had suggested amendments and this is EXHIBIT 1 and attached to the minutes.

RICHARD TRERISE, Montana Association of County Superintendents, said Lewis and Clark County has stable rural farming communities and the bill is to relieve them from the burden of going through the complicated process of applying for isolation in the happenstance that they dropped below the ANB for just one year. One family leaving could cause this or having three graduates and only one enter the first grade. Mr. Trerise said the idea is not to change the intent of the isolation procedure. If the enrollment stays below the level for two years they will be forced to evaluate where they are in the district and see if they are still a viable school district. Where there is a stable population they should not be penalized fiscally by one year dipping below the number. He said the Office of Public Instruction does have strict standards by which they approve isolation.

There were no opponents and Senator Mazurek closed by thanking the committee.

Questions were asked by the committee. Rep. Williams asked what the status of a school is that is declared isolated. Senator Mazurek said if they are declared isolated they still get full funding but if denied they get only half the funding.

Chairman Eudaily asked of Mr. Stockton if the amendments are accepted and made part of the bill, what impact would it have on the school foundation. Bob Stockton, OPI, said any school that reaches the level where they would have dipped below for two consecutive years, would not lose the funding the first year. He said there are about 70 isolated schools of which 16 were not approved; 11 schools with less than 10 ANB closed last year and this figure remains fairly constant. He felt it would not have much impact on the foundation program.

SENATE BILL 458

SENATOR CHET BLAYLOCK, District 35, chief sponsor, said this bill is a repeal of a repealer. It would continue the Montana Folklore Project under the Montana Arts Council. If this is not done it expires in July, 1981. In the current biennium there was funding for this new project of \$40,000 and it comes out of an earmarked coal tax fund. He said there is a new request in for an appropriation of \$51,000 for the coming biennium. He said even if this bill passes they will have to fight for the funding along with a number of other projects. He introduced the following proponent.

MICHAEL KORN, Missoula, Montana Folklore Project, spoke for the bill and a copy of his testimony is EXHIBIT 2 and attached to the minutes. EXHIBIT 3 is a copy of the code relative to this act.

There were no opponents and Senator Blaylock just closed.

Questions were asked by the committee. J. D. Holmes, Montana Institute of the Arts Foundation, in response to a question said the funding

is separate and they can't go for that until this bill is passed and the repealer repealed. Rep. Hannah asked if there were any other sources of funding. Mr. Holmes said no other source for this project as this funds Mr. Korn and his office. He said the Montana Arts Council has some general fund assistance from the state which are mostly federal pass-through funds. He said he was concerned at the present as 50% is going to be cut from the federal pass-through funds.

Rep. Yardley asked if there was any problem with the change from July to October if that bill passes that changes the effective date of bills. Senator Blaylock didn't think so as the purpose of the bill is to repeal the repealer.

Rep. Anderson asked Mr. Korn concerning his statement that he had an aggressive policy of finding these materials. Mr. Korn assured him that he didn't chase anyone with a club. He said people have been doing work in this area for the past 30 years. He said he identifies these people and then goes after them and tapes the information. Duplicates are made of these tapes so they can be accessible. He said they have gathered a whole gamut of traditional materials. He said they found that the Library of Congress had 9 reels of tape on the Blackfeet. He said this is the first time in Montana that people have sorted out these materials. He said he buttonholes people and tries to collect these materials.

EXECUTIVE SESSION

SENATE BILL 456 - Rep. Williams moved the amendments. A copy of the amendments is EXHIBIT 1 of these minutes. Motion carried un-animously. Absent at this time were Reps: Lory, Hanson, Donaldson, Dussault, Vincent and Meyer. Rep. Williams moved BE CONCURRED IN AS AMENDED. Rep. Anderson said in a case of being denied the isolation status the school will usually close or consolidate. This bill at least gives them another year so if there is any fluctuation they may not need to apply for isolation. Some development might occur. He said he concurs with the bill as it gives the people a little more chance if they have two years rather than one to make their decision. The question was called and the motion carried with all voting yes, except Rep. Hannah who voted no, and absent now were Reps. Lory, Hanson, Donaldson, Dussault, and Vincent.

SENATE BILL 458 - Rep. Williams moved BE CONCURRED IN. Rep. Andreason questioned the status of the bill in October if the repealer takes affect in July. Mr. Heiman, the staff researcher, said he felt the bill could not be revived in October. Rep. Azzara moved to amend the title to include "PROVIDE AN IMMEDIATE EFFECTIVE DATE," and on Line 12 to insert "Section 2. This act is effective on passage and approval." There were questions concerning the need of doing this.

Rep. Andreason summed it up for the committee by saying this bill presently is like someone dying in July and not getting resuscitation until October.

The question was called and the amendments carried unanimously with those present. Same absent as the former bill.

Rep. Williams moved BE CONCURRED AS AMENDED. The motion carried with all members present voting yes, except Rep. Hannah who voted no, and absent were Rep. Lory, Donaldson, Hanson, Dussault and Vincent.

SENATE JOINT RESOLUTION 12 - Rep. Anderson moved the resolution BE CONCURRED IN. Rep. Williams said he was sure a lot of research has already been done in this area. Ms. McComber said that studies have been done and some conflicting. She felt it would be in the interest of the Legislature to sort through the studies and see what seemed to be the best. Rep. Andreason said he was sure this study has been replicated many times. He said, too, we have to decide whether or not we want to set the class size. He felt if this were so it would be better to have a bill and have both sides come in and testify. He felt this would just be a study of studies.

Chairman Eudaily expressed the concern that we might be interfering in a given right since the State Board of Public Education sets the class size and if they say there should be 20 and we come out with a study saying there should be only 15 — he felt we could be getting into an area that the Legislature shouldn't be getting into. He said he could see some good coming from the study.

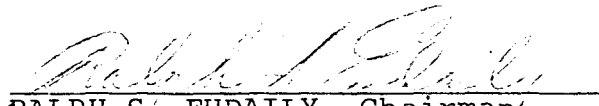
Rep. Williams said the interested people could make recommendations to the Board of Public Education. Also the teacher or a group of teachers could do the research or the MEA could.

Mr. Stockton said there is a computer in the office that could check on studies.

The question was called and the motion failed with four voting yes (Kennerly, Teague, Yardley, Anderson); 8 voting no (Andreason, Azzara, Hannah, Kitselman, Meyer, O'Hara, Williams, Eudaily) and 5 absent (Donaldson, Dussault, Hanson, Lory, Vincent). Rep. Kitselman moved the bill BE NOT CONCURRED IN and to have the vote reversed. This motion carried.

Andreason moved the meeting adjourn. Meeting adjourned at 1:45 p.m.

Respectfully submitted,



RALPH S. EUDAILY, Chairman

61

AMENDMENTS TO SENATE BILL 456

1. Page 1, line 10.

Following: "20-9-302"

Insert: "and 20-9-303"

2. Page 3, line 5.

Following: line 5

Insert: "20-9-303. Definition of foundation program and its proportion of the maximum-general-fund-without-a-voted-levy schedule amount-- nonisolated school foundation program financing -- special education funds. (1) As used in this title, the term "foundation program" shall mean the minimum operating expenditures, as established herein, that are sufficient to provide for the educational program of a school. The foundation program relates only to those expenditures authorized by a district's general fund budget and shall not include expenditures from any other fund. It shall be financed by:

(a) county equalization moneys;

(b) state equalization aid; and

(c) when required, moneys from an additional state levy for a state deficiency.

(2) The dollar amount of the foundation program shall be 80% of the maximum-general-fund-budget-without-a-voted-levy limitation as set forth in the schedules in 20-9-316 through 20-9-321. The foundation program of an elementary school having an ANB of nine or fewer pupils for two consecutive years which is not approved as an isolated school under the provisions of 20-9-302 shall be 80% of the schedule amount, but the county and state shall participate in financing one-half of the foundation program, and the district shall finance the remaining one-half by a tax levied on the property of the district. When a school of nine or fewer pupils is approved as isolated under the provisions of 20-9-302, the county and state shall participate in the financing of the total amount of the foundation program.

(3) Funds provided to support the special education accounting budget may be expended only for special education purposes as approved by the superintendent of public instruction in accordance with the special education budgeting provisions of this title. Expenditures for special education shall be accounted for separately from the balance of the school district general fund. Transfers between items within the special education budget for accounting purposes may be made at the discretion of the board of trustees in accordance with the financial administration part of this title. The unexpended balance of the special education accounting budget shall carry over to the next year to reduce the amount of funding required to finance the district's ensuing year's maximum-budget-without-a-vote for special education.

Ex. 2

The MONTANA FOLKLIFE PROJECT

For the past two years, the Montana Folklife Project has been actively involved in the documentation and public presentation of folk cultures in the state. During this period, the Folklife Project has compiled a collection of almost two hundred hours of sound tapes and over 3,000 photographs which reflect various aspects of culture in Montana. Initiated in the 46th Legislature through legislation sponsored by Harriett Hayne, Jerry Metcalf, Alan Kolstad and Bill Thomas, the Folklife Project has endeavored to identify the cultural "treasures" of Montana -- the people and ways of life that help to make the state the very special place it is. Also, through pursuing an aggressive policy of finding "strayed" materials (collections, art works, field tapes and photographs which deal with Montana cultures but have been taken out of the state), the Folklife Project has begun to make strides towards painting an accurate and comprehensive picture of Montana traditional cultures.

It is equally important, however, to make use of the materials that field research produces. Otherwise, it becomes the dusty curiosity of tomorrow. The Folklife Project works towards taking the songs, music, stories, legends and skills that its field workers find and returning them to the people of the state through public programs and presentations. "My Home's in Montana" is a weekly radio program produced by the Folklife Project and carried on over 20 stations throughout the state. The 15-minute program is visits with some of Montana's finest folk artists. The Folklife Project is currently producing the first of a series of phonograph records which will be available to the public. The records will spotlight Montana folk artists with an accompanying booklet, and again, point up the importance of traditional cultures to our state. Technical assistance by the Folklife Project to local groups and organizations offers a foundation for people to develop projects in their own communities to help identify and recognize the cultural treasures of their own locale.

Through the work of the Montana Folklife Project, not only is an accurate record made of the peoples and cultures of Montana but an opportunity is provided to celebrate ourselves and our State.

The Montana Folklife Project is a program of the Montana Arts Council, 1280 South Third Street West, Missoula, MT 59801, 543-8286.

CHAPTER NO. 531

AN ACT TO CREATE THE MONTANA FOLKLIFE PROJECT UNDER THE MONTANA ARTS COUNCIL; TO PRESERVE AND PRESENT MONTANA FOLKLIFE; TO PRESCRIBE POWERS AND DUTIES OF THE MONTANA FOLKLIFE PROJECT; AND PROVIDING AN EXPIRATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. **Short title.** This act may be cited as the "Montana Folklife Preservation Act".

Section 2. **Definitions.** As used in [this act], the following definitions apply:

(1) "Montana folklife" means the traditional customs and culturally based expressions shared by peoples within any area of the state. Montana folklife includes community-based traditional arts such as folksongs and instrumental music, dance, storytelling, vernacular, architecture, handicrafts, skills, and other forms of community-based expressions which serve to identify and symbolize the cultural heritage of Montana.

(2) "Montana folklorist" means a professional folklorist having an advanced degree in folklore or related experience.

Section 3. **Montana folklife project created.** (1) There is created a Montana folklife project. It is the purpose of the project to identify, document, and preserve and make more accessible to the public the traditional folklife of Montana. Such areas of folklife heritage shall include but not be limited to the traditions of ranching and farming, logging, mining, trapping, exploration, Indian culture, and cowboy life.

(2) Montana folklife project shall be under the authority of the Montana arts council, which shall contract with a professional folklorist to carry out the project.

Section 4. **Powers of the Montana folklife project.** The Montana folklife project, with the approval of the Montana arts council, shall exercise the following powers:

(1) The Montana folklife project may accept gifts and grants for the support of this project; receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be for the purposes of this project; and use, sell, or otherwise dispose of such property for the purpose of carrying out the functions of the project.

(2) The Montana folklife project may enter into contracts with and award grants to individuals, groups, private radio and television broadcasters, museums, educational institutions, and corporations for the purpose of:

(a) supporting and promoting research, scholarship, and training in Montana folklife;

(b) sponsoring and promoting live performances, festivals, exhibits, media presentations, publications, and workshops related to Montana folklife;

(c) purchasing, producing, and supporting presentations and materials especially designed for classroom use representing or illustrating some aspect of Montana folklife;

(d) procuring, producing, and retaining, in an appropriate archive, audio and visual records, including still and motion picture film, records, audio and visual magnetic tape recordings, written records, and manuscripts that document some aspect of Montana folklife;

(e) establishing procedures for loaning or making available any item of the folklife collection of any individual or group; and

(f) developing and implementing other projects to identify, document, and preserve and make more accessible to the public Montana's folklife heritage.

Section 5. **Duties.** The Montana folklife project shall:

(1) cooperate with the Montana university system, the Montana historical society, and other agencies of this state that may have an interest in the folk cultural heritage of Montana;

(2) sponsor, encourage, direct, and engage in research into the folklife of this state;

(3) obtain for state documentation matters significant to the preservation and presentation of Montana folklife;

(4) assist local communities who wish to carry out their own local folklife projects.

Section 6. **Expiration date.** This act expires on July 1, 1981.

Approved April 10, 1979.