

MINUTES OF THE MEETING
EDUCATION AND CULTRAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 23, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on March 23, 1983, at 12:36 p.m. in Room 402, State Capitol.

ROLL CALL: All committee members were present.

HOUSE BILL 176: Representative Fabrega, District 44, sponsor of the bill, said, as amended in the House the bill only changes the title of "professional assistant" to that of "executive secretary". The provision for staff increase was not funded and therefore is only a token gesture.

PROPOSERS

Hidde Van Duym, Executive Secretary of the Board of Public Education, submitted his written testimony in support of the bill to the committee (attachment #1).

ACTION ON HOUSE BILL 176: Senator Berg moved House Bill 176 BE CONCURRED IN. The motion carried unanimously with Senators Elliott and Severson absent.

EXECUTIVE SESSION

ACTION ON HOUSE BILL 809: Senator McCallum stated the subcommittee reviewed the bill and had no changes to offer. Senator Mazurek noted the Audit Committee discussed the bill again and noted this is state money and by letting the counties keep it there is the possibility of some county officials facing malfeasance charges.

Senator McCallum moved House Bill 809 BE NOT CONCURRED IN. The motion carried on a roll call vote with Senators Berg, Blaylock, Haffey, and Mazurek voting no.

Senator Brown introduced two students from Plains High School who spoke to the committee. Cori Cavill said she is the student body Vice-President and also serves as a non-voting

member of the School Board. She said the student participation on the School Board has just recently been added and on a trial run basis seems to be working out quite well.

Brian Helterline works with the computer program at Plains. He said Plains High School computer program was one of four selected nationwide by the Best program at the University of Washington to be filmed and documented as a model system. Brian has been very active in programming administrative programs for the school.

ACTION ON HOUSE BILL 428: Senator Blaylock moved the amendments as per the attached committee report (exhibit #2). The motion carried unanimously.

Senator Blaylock moved House Bill 428 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HOUSE BILL 591: Senator Haffey moved the amendment as per the attached committee report (exhibit #3). The motion carried on a roll call vote with Senators Elliott, Gage, and Brown voting no.

Senator Berg moved House Bill 591 BE CONCURRED IN AS AMENDED. The motion carried on a roll call vote with Senators Smith, Elliott, McCallum, and Severson voting no.

ACTION ON HOUSE BILL 444: Senator Smith moved to amend House Bill 444 by adding an immediate effective date. The motion carried unanimously.

The committee delayed further action until later in the meeting for further information re a statement of intent.

ACTION ON HOUSE BILL 93: Senator Berg moved to amend the bill as per amendments 1(a) and 2 on attached committee report (exhibit #4). The motion carried unanimously.

Senator Berg moved to amend House Bill 93 as per the proposed Dover amendments (exhibit #5). The motion failed with only Senator Berg voting yes.

Senator Mazurek moved to amend the bill as per amendment 1(b) (striking "paraprofessional" and inserting "person"). The motion carried unanimously.

Senator Blaylock moved House Bill 93 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HOUSE BILL 444: Senator Smith moved to adopt the Statement of Intent. The motion carried unanimously.

Senator Mazurek moved House Bill 444 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HOUSE BILL 419:

Senator McCallum moved the amendments as per the attached committee report (exhibit #6). The motion carried unanimously.

Senator McCallum moved House Bill 419 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

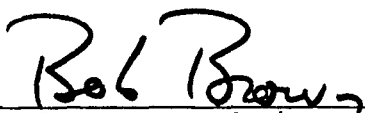
ACTION ON HOUSE BILL 772: Senator Blaylock moved to amend House Bill 772 as per the attached committee report (exhibit #7). The motion carried unanimously.

Senator Mazurek moved House Bill 772 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ACTION ON HOUSE BILL 221: Senator McCallum moved to adopt the amendments as per the attached committee report (exhibit #8). The motion carried unanimously.

Senator Berg moved House Bill 221 BE CONCURRED IN AS AMENDED. The motion carried unanimously.

ADJOURN: There being no further business, the meeting adjourned.



Senator Bob Brown, Chairman

ROLL CALL

EDUCATION AND CULTURAL RESOURCES

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 3/23/83

NAME	PRESENT	ABSENT	EXCUSED
<u>Senator Bob Brown, Chairman</u>	X		
<u>Senator Ed Smith, V. Chairman</u>	X		
<u>Senator Roger Elliott</u>	X		
<u>Senator Delwyn Gage</u>	X		
<u>Senator George McCallum</u>	X		
<u>Senator Elmer Severson</u>	X		
<u>Senator Harry Berg</u>	X		
<u>Senator Chet Blaylock</u>	X		
<u>Senator Jack Haffey</u>	X		
<u>Senator Joseph Mazurek</u>	X		



Board of Public Education

BOARD MEMBERS

TESTIMONY FOR THE SENATE EDUCATION COMMITTEE

Hidde Van Duym
Executive Secretary

EX OFFICIO MEMBERS:

SUPPORTING HB 176

Ted Schwinden, Governor

Ed Argenbright, Superintendent of
Public InstructionErving E. Dayton, Commissioner
of Higher Education

APPOINTED MEMBERS:

Wen D. Gunderson, Chairman
BillingsJean Robocker, Vice Chairman
KalispellJames Graham
LibbyGeorge A. Johnson
Great FallsHarriett C. Meloy
HelenaArthur Schauer
LibbyThomas A. Thompson
Browning

I am Hidde Van Duym, Executive Secretary to the Board of Public Education.

Nearly a year ago the Board reviewed its bylaws and agreed my position should be called executive secretary. On behalf of the Board I urge you to pass this bill which relates to the staff of the Board.

Permit me to go back to 1972 when the present Board of Public Education was created. A separate Board of Public Education was created in 1972 because as the Commission on Executive Reorganization reported, up until that time the "lower schools" were left to the discretion of the Superintendent, while the State Board saw its duties primarily in the field of higher education. Thus, a State Board was created to give full attention to the governance of the public school system.

Five years later in 1977, in order to carry out its tasks the Board was provided with a "professional assistant". The problem has been that nobody knows what a professional assistant is. We do know what an executive secretary is. Robert's Rules of Order provide a description.

Robert's Rules of Order describe an executive secretary as a salaried officer who is employed by a board under contract and who devotes full time to his work as administrative officer especially at a national, regional or state level. And, that person's duties include being responsible for seeing that the Board's instructions are carried out, conducting the board's day-to-day business, and hiring, firing and setting salaries of other staff with the approval of the Board.

My role with the Board of Public Education is exactly that. I am a salaried officer employed by the Board, and I devote full time to my work as administrative officer at a state level. I conduct the Board's day-to-day business and I am responsible for seeing that the Board's instructions are carried out and I do hire an assistant whose salary I set with the approval of the Board.

The appropriate title for the position is executive secretary and we urge you to pass this bill which renames the position.

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STANDING COMMITTEE REPORT

March 23, 19 83

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **176**

Fabrega (Berg)

Respectfully report as follows: That **HOUSE** Bill No. **176**

BE CONCURRED IN
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SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date 3/23 House Bill No. 809 Time _____

NAME	YES	NO
_____	_____	_____
_____	_____	_____
Senator Bob Brown, Chairman	X	
Senator Ed Smith, Vice Chairman	X	
Senator Roger Elliott	X	
Senator Delwyn Gage	X	
Senator George McCallum	X	
Senator Elmer Severson	X	
Senator Harry Berg		X
Senator Chet Blaylock		X
Senator Jack Haffey		X
Senator Joseph Mazurek		X
_____	_____	_____
_____	_____	_____

Jill Bohyans
Secretary JILL BOHYANS

Bob Brown
Chairman SENATOR BOB BROWN *for*

Motion: by Senator McCallum that House
Bill 809 Be Not Concurred In

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

STANDING COMMITTEE REPORT

March 23, 19 83

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **809**

Waldron (Gage)

Respectfully report as follows: That **HOUSE** Bill No. **809**

BE NOT CONCURRED IN
REPORT

March 23, 19 83

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **428**

Ellison (Gage)

Respectfully report as follows: That **HOUSE** Bill No. **428**

third reading copy, be amended as follows:

1. Page 12.

Following: line 22

Insert: **"NEW SECTION.** Section 9. Procedure to create new high school district. (1) A petition requesting the creation of a new high school district or districts shall be addressed to the county superintendent and shall:

(a) describe the territory that is requested to be incorporated in the new district and the taxable value of such territory as shown by the last completed assessment roll;

(b) state the reasons why the creation of a new district is requested; and

(c) be signed by the parents or guardians of not less than 35 children between the ages of 14 and 18 years who

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reside in the territory that would be included in the new district and who reside more than 20 miles over the shortest practical route from an operating high school.

(2) When a county superintendent receives a valid petition requesting the creation of a new district, he shall:

(a) file the petition;

(b) set a hearing place, date, and time for consideration of the petition that is not more than 40 days after the receipt of the petition; and

(c) give notice of the place, date, and time of the hearing. Notice shall be posted in the districts affected by the request in the manner prescribed in this title for school elections, with a least one notice posted in the territory to be included in the new district.

(3) The county superintendent shall conduct the hearing as scheduled unless before or at the time of the hearing he receives a protest petition signed by a majority of the electors of the proposed new district who are qualified to vote under the provisions of 20-20-301. A valid protest petition conclusively denies the creation of a new district. If a hearing is conducted, any resident or taxpayer of the affected districts must be heard. If the county superintendent considers it advisable and in the best interest of the residents of the proposed new district, he shall grant the petitioned request and order the creation of a new high school district with its boundaries coinciding with the boundaries defined in the petition. Otherwise, he shall, by order, deny the request. In the order creating the new district, the county superintendent shall establish the effective date for its creation and the procedures for effecting an orderly transition.

(4) Either of the county superintendent's orders may be appealed to the superintendent of public instruction within 10 days after the date of the order. The appeal must be in writing, signed by not less than three electors, and state sufficient facts to show the appellant's right to appeal the order. The superintendent of public instruction shall review the appeal and after considering the material presented at the county superintendent's hearing and such other material as may be presented, he shall render a decision on the creating of the new high school district. Such decision is final.

(5) When a new high school district is created, the trustees of the elementary district where the high school buildings are located are the new high school trustees. Any trustee position vacancies that may occur in the other district must be filled in the manner provided for filling trustee position vacancies for such district.

(6) The order of the county superintendent or, if his order is appealed, the decision of the superintendent of public instruction creating a new district under this section is null and void and the new district ceases to exist if the district does not open and operate a school within 2 years after the date of such order or decision. If the new district does not satisfy this requirement, the territory must be

continued.

Chairman

reincorporated in the district or districts in which it was located before the creation of such new district and the trustees are thereafter without capacity to act.

(7) If a petition has been filed under the provisions of this section and denied by the county superintendent, no new petition may be filed until one year after the final decision on the original petition."

Renumber: subsequent sections

And, as so amended, BE CONCURRED IN

Senator Bob Brown

Chairman

STANDING COMMITTEE REPORT

March 23, 1983

MR. PRESIDENT:

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE Bill No. 591

Nisbet (Berg)

Respectfully report as follows: That HOUSE Bill No. 591

third reading copy, be amended as follows:

1. Title, line 6.

Following: "OFFERED,"

Insert: "TO ALLOW A TEACHER WHO IS A SPECIALIST IN A POSITION
REQUIRING PROFESSIONAL LICENSURE THE SAME OPPORTUNITY FOR
TENURE THAT OTHER TEACHERS ARE OFFERED;"

2. Page 1, line 15.

Following: "certification"

Insert: "or professional licensure,"

3. Page 1, line 16.

Strike: "OR SPECIALIST"

And, as so amended, BE CONCURRED IN

DO PAGE

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date 3/23/83 Wenatchee Bill No. 591 Time _____

NAME	YES	NO
Senator Bob Brown, Chairman		X
Senator Ed Smith, Vice Chairman		X
Senator Roger Elliott		X
Senator Delwyn Gage		X
Senator George McCallum	X	
Senator Elmer Severson	X	
Senator Harry Berg	X	
Senator Chet Blaylock	X	
Senator Jack Haffey	X	
Senator Joseph Mazurek	X	

Jill Rohyans
Secretary JILL ROHYANS

Bob Brown
Chairman SENATOR BOB BROWN *for*

Motion: by Senator Berg that H.B. 59
Be concurred in as amended

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

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date 3/23/83 House Bill No. 591 Time _____

NAME	YES	NO
_____	_____	_____
_____	_____	_____
Senator Bob Brown, Chairman	_____	X
Senator Ed Smith, Vice Chairman	X	_____
Senator Roger Elliott	_____	X
Senator Delwyn Gage	_____	X
Senator George McCallum	X	_____
Senator Elmer Severson	X	_____
Senator Harry Berg	X	_____
Senator Chet Blaylock	X	_____
Senator Jack Haffey	X	_____
Senator Joseph Mazurek	X	_____
_____	_____	_____
_____	_____	_____

Jill Rohyans
Secretary JILL ROHYANS

Bob Brown
Chairman SENATOR BOB BROWN *jr.*

Motion: by Senator Haffey to amend
House Bill 591 (as per attached
committee report).

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

STANDING COMMITTEE REPORT

March 23

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MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **99**

Hammond (Haffey)

Respectfully report as follows: That **HOUSE** Bill No. **99**

BE CONCURRED IN

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SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date 3/23/83 House Bill No. 99 Time _____

NAME	YES	NO

Senator Bob Brown, Chairman	X	
Senator Ed Smith, Vice Chairman		X
Senator Roger Elliott		X
Senator Delwyn Gage	X	
Senator George McCallum		X
Senator Elmer Severson		X
Senator Harry Berg	X	
Senator Chet Blaylock	X	
Senator Jack Haffey	X	
Senator Joseph Mazurek	X	

Jill Rohyans
Secretary JILL ROHYANS

Bob Brown
Chairman SENATOR BOB BROWN *ml*

Motion: by Senator Haffey that
House Bill 99 be concurred
in.

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

3/23/83

STANDING COMMITTEE REPORT

March 23, 1983

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **93**

Donaldson (Brown)

Respectfully report as follows: That **HOUSE** Bill No. **93**

third reading copy, be amended as follows:

1. Page 3, line 3.
Following: **"MEANS"**
Insert: **"(a)"**
Following: **"A"**
Strike: **"PARAPROFESSIONAL"**
Insert: **"person"**

2. Page 3, line 4.
Following: **"TEACHER"**
Insert: **","**
Following: **"OR"**
Insert: **"(b)"**

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3. Page 6.

Following: line 23

Insert: "NEW SECTION. Section 5. Coordination. If House Bill 544 is passed by the 48th Legislature and approved the dollar amounts amended into this act are to be increased by the same percentage that dollar amounts are increased in House Bill 544 as follows:

(1) the dollar amounts amended into 20-9-316 by this act are to be increased by the same percentage that the dollar amounts in 20-9-316(2) were increased by its amendment in House Bill 544; and

(2) the dollar amounts amended into 20-9-318 by this act are to be increased by the same percentage that the dollar amounts in 20-9-318(2) were increased by its amendment in House Bill 544."

Renumber: subsequent section

And, as so amended, BE CONCURRED IN

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Date _____ Bill No. _____ Time _____

NAME	YES	NO
Senator Bob Brown, Chairman		X
Senator Ed Smith, Vice Chairman		X
Senator Roger Elliott		X
Senator Delwyn Gage		X
Senator George McCallum		X
Senator Elmer Severson		X
Senator Harry Berg	X	
Senator Chet Blaylock		X
Senator Jack Haffey		X
Senator Joseph Mazurek		X

Jill Rhyans
Secretary JILL RHYANS

Bob Brown
Chairman SENATOR BOB BROWN *dr*

Motion: by Senator Berg to amend
HB 93.

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

Amended
3/23/83

AMEND HOUSE BILL 93

-Senator Dover

1. Title, line 6.

Following: "TEACHER"

Insert: "TWO TEACHER OR"

2. Page 1.

Following: line 14

Insert: "teacher or"

3. Page 1, line 24.

Following: "teacher"

Insert: "two teacher or"

4. Page 2, line 21.

Following: "teacher"

Insert: "two teacher or"

5. Page 3, line 1.

Following: "HIRE"

Insert: "a teacher or"

6. Page 3, line 14.

Following: "FOR"

Insert: "(i)"

7. Page 3, line 17.

Following: "14"

Insert: "; or"

8. Page 3.

Following: line 17

Insert: "(ii) two teacher funding under [section 1], the maximum shall be \$32,596 plus \$651 per pupil on the basis of the average number belonging over 14"

8. Page 5, line 10.

Following: "FOR"

Insert: "(i)"

9. Page 5, line 13.

Following: "14"

Insert: "; or"

10. Page 5.

Following: line 13

Insert: "(ii) two teacher funding under [section 1], the maximum shall be \$37,485 plus \$748.70 per pupil on the basis of the average number belonging over 14"

STANDING COMMITTEE REPORT

March 23, 19 83

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **444**

Swift (Gage)

Respectfully report as follows: That **HOUSE** Bill No. **444**

third reading copy, be amended as follows:

1. Title, line 11.

Following: "MCA"

Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 6.

Following: line 4

Insert: "NEW SECTION. Section 2. Effective date. This act is effective on passage and approval."

And, as so amended, BE CONCURRED IN

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Statement of Intent Attached

STATEMENT OF INTENT

HOUSE BILL 444

A statement of intent is required of this bill because it grants authority to the Superintendent of Public Instruction to prioritize budget items to determine total amounts to be distributed to districts for special education.

It is intended that the prioritization be aimed at providing maximum funding for basic required or mandated services and least funding for other allowable services. The priorities must be structured to provide the most services to the greatest number of students within the limitations of local conditions. The priorities should be established by a combination of mandated services, student/teacher ratios, and local conditions that affect costs of providing services. The district's share of the funding is not intended to be line-itemed by the Office of Public Instruction, the bill provides a manner for determining the funding to be received by the districts. The manner in which the funds are to be used by the district is to be done within the allowable cost schedule provided in 20-7-431.

3/23/83

STANDING COMMITTEE REPORT

March 23, 1983

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **419**

Donaldson (McCallum)

Respectfully report as follows: That **HOUSE** Bill No. **419**

third reading copy, be amended as follows:

1. Page 2, line 25.

Following: "by"

Strike: "one-half"

Insert: "two"

2. Page 3, lines 2 through 4.

Strike: subsection (c) in its entirety

Reletter: subsequent subsection

3. Page 3, line 6.

Following: "(3)"

Strike: "(c)"

Insert: "(b)"

And, as so amended, BE CONCURRED IN

~~DO PASS~~

J.C.

Exhibit #7
3/23/83

STANDING COMMITTEE REPORT

March 23, 1983

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **772**

Bengston (Hammond)

Respectfully report as follows: That **HOUSE** Bill No. **772**

third reading copy, be amended as follows:

1. Title, line 8.

Following: "APPROVE"

Insert: "CERTAIN"

2. Page 2, line 1.

Following: "miles"

Insert: "within their own district or approved service area"

And, as so amended, BE CONCURRED IN

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H.C.

3/23/83

March 23, 1983

MR. **PRESIDENT:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **221**

Hannah (Berg)

Respectfully report as follows: That **HOUSE** Bill No. **221**

third reading copy, be amended as follows:

1. Page 1, line 10.
Following: "officer."
Insert: "(1)"

2. Page 1, line 13.
Strike: "(1)"
Insert: "(a)"

continued

XXXXX

H.C.

3. Page 1, line 17.

Strike: "(2)"

Insert: "(b)"

4. Page 1.

Following: line 17

Insert: "(2) For the purposes of subsection (1), old worthless reports, papers, or records do not include student records and records of employment. Such records, or copies of such records, must be permanently kept."

5. Page 1, line 24.

Strike: "limited to a 5-year period"

Insert: "as provided in 20-1-212"

And, as so amended, BE CONCURRED IN

H.C.