

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 20, 1985

The meeting of the House Education and Cultural Resources Committee was called to order by Chairman Dan Harrington at 4:30 p.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present with the exceptions of Representatives Hammond and Peck who were excused. Representatives Hannah, Kitselman, Sands, and Thomas arrived later than roll call.

CONSIDERATION OF SENATE JOINT RESOLUTION 21: Senator Bob Brown, District #2, opened the hearing on this Resolution as its primary sponsor. The resolution commemorates the Close Up Program, which allows Montana High School students to go to Washington, D.C. to learn about government. Sen. Brown spoke of his opportunity to observe this program last spring along with other Montanans and they reported back to Superintendent Argenbright their observations. Montana is the very last state in the nation to be included in this program. The cost is underwritten by corporations, foundations, etc. There are more than 100 outstanding high school students from 20 high schools around the state that will be able to participate this April. Senator Brown drew the committee's attention to the handouts (Exhibits 1 and 2) and relayed that all the proponents could not be present so they are including their testimony in the exhibits. All sponsors of the resolution represent districts that have students participating in the Close Up Program. Copies of the Resolution will be sent to all school boards in the state.

Mr. Ed Eschler with the Office of Public Instruction introduced a 16 minute film on the Close Up Program by saying that along with the students, 25 teachers and administrators will participate with expenses being covered by the foundation. The schools are identified for participation by geographic location and size.

The film, "Close up, An Investment in Democracy" was shown next.

Chairman Harrington called for proponents to the resolution.

PROPOSERS: Jesse Long, School Administrators of Montana, said that Close Up provides one of the better opportunities for young people to see how the national government is operating. It makes the students much more aware and probably will make the legislator's jobs tougher, but they will be informed when it is time to vote.

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OPPONENTS: None

ACTION ON SENATE JOINT RESOLUTION 21: Rep. Williams moved that this resolution BE CONCURRED IN. The motion carried on a unanimous voice vote. Rep. Harrington will present the resolution on the floor of the House.

The interim between hearings and the arrival of the next sponsor was consumed with FURTHER CONSIDERATION OF SENATE BILL 167:

Rep. Brandewie moved that Senate Bill 167 BE CONCURRED IN AS AMENDED previously. Rep. Williams seconded that motion. Rep. Hannah reminded the committee that if a motion were standing and the bill were passed for the day, all amendments would need to be acted on again. Chip Erdmann, with the Montana School Board Association, distributed copies of an amendment to the committee for the bill (Exhibits 3 and 4). Rep. Brandewie then again motioned that Senate Bill 167 BE CONCURRED IN. He also moved the proposed amendments indicated in Exhibit 4 and the formerly discussed amendments being on line 22 following "20-9-210," insert a "." and strike the remainder of lines 22, 23, and 24. Rep. Williams questioned the need for the first proposed amendment. Rep. Hannah also felt that by taking out lines 16 through 19 the intent of the bill was damaged. The committee decided to come back to this action later in the meeting.

CONSIDERATION OF SENATE BILL 319: Senator Judy Jacobson, District #36, opened the hearing on this bill by saying it deals with appointing surrogate parents as advocates for children needing this. In a program review by the Federal Department of Education, it came to light that State law does not provide it to be done.

PROPONENTS: Gail Gray, Department of Special Services with the Office of Public Instruction, distributed written testimony to the committee members (See Exhibit 5). She reiterated that there are some students in the state who have no advocate to act upon educational decisions, such as evaluation permission, I.E.P. development, and placement. There are students whose parents cannot be found and those who are wards of the court. The attorneys from the O.P.I. felt it was necessary to put it in the statutes that the school districts need to appoint surrogate parents and protect them from liability.

There being no further proponents or opponents, Chairman Harrington opened the floor to questions from the committee.

Rep. Hannah questioned whether children in a developmentally disabled group home would need a surrogate parent appointed by the school district. Sen. Jacobsen replied that the Federal law requires it, and Rick Bartos, with the O.P.I., added that in many instances the foster parent would serve, but it would be necessary for those who have no legal guardian, parent, or foster parent. In group homes, S.R.S. has usually assigned

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custody and designates the foster parent as the custodial parent. Sen. Jacobsen read a breakdown which assumes that 30 students in the public schools, 50% of students in youth correctional facilities, and 44 students in state operated institutions for the handicapped are in need of surrogate parents. It was brought out by Rep. Jacobson that the fiscal impact would be reimbursed through P.L. 94-142, Part B Discretionary Funds. Rick Bartos replied to Rep. Williams' question regarding authority in the instance of Warm Springs or Mountain View School by saying it would be whoever runs the institution.

Rick Bartos spoke to a concern of Rep. Hannah's by saying that since the enactment of P.L. 94-142, the Office of Public Instruction has paid the costs associated with the appointment of a surrogate parent. Rep. Eudaily asked if the Office of Public Instruction would set the reasonable and necessary costs referred to in the bill to which Mr. Bartos replied they would. In the past, these costs amounted to travel expenses and attendance for out of town meetings and there have not been any exceptional expense claims.

Senator Jacobsen closed the hearing on this bill by adding that the bill may need to be assigned to a member of the committee rather than Rep. Bergene, who signed on it.

CONSIDERATION OF SENATE BILL 289: Senator Ed Smith, District #10, rose as sponsor of this bill. He said the bill came at the request of school boards and school administrators around the state. It requires that any administrative rule adopted by the Board of Public Education that imposes a financial impact on a school district is not effective until the legislature provides a means of financing the rule. He said all persons in the room realize that there is already a substantial burden on the local property taxpayers and there is a law on the books which says the legislature cannot impose additional costs unless they also provide the money.

PROPOSERS: Chip Erdmann, Montana School Board Association, said the bill was a request of the Association and answers a concern across the state. This bill before the committee is substantially amended. He spoke of accountability between the State Board of Public Education and the Legislature and the communication not being as good as it could have been. When the Board has a rule before it that would have substantial financial impact on the district and it cannot be readily absorbed into the district budget, then the regulation will not become effective until the legislature has a chance to meet and can properly fund it. If it is not funded, then the Board of Public Education has to determine that there are appropriate funds available before the regulation becomes effective. Mr. Erdmann implied that there are problems with a constitutional balance of powers and this bill would be a reasonable compromise with both the Board of Public Education and the School Board Association agreeing to it.

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Don Waldron, Superintendent of Schools at Hellgate Elementary in Missoula and serving as Co-Chairman of the Legislative Committee of the School Administrators of Montana, said the bill at drafting was very simple and important and in the end the compromise takes care of the schools. It will give schools a chance to plan ahead for good programs and the money to do it with. This bill puts it in the legal area, where it should be.

Rick Bartos with the Office of Public Instruction said the State Superintendent endorses the bill as well.

Hidde VanDuym, Executive Secretary to the Board of Public Education, rose in support of the bill and relayed that the Board agrees with it and it is the result of joint work.

Jesse Long, School Administrators of Montana, seconded Don Waldron's statements as a method of looking at rules and regulations before they are actually put in place and it will make sure the funding opportunity will be provided by the legislature.

There being no further proponents or no opponents, Chairman Harrington called for questions from the committee.

Representative Williams questioned Senator Smith regarding an example of what the Board has required and not funded, the response to which was the gifted and talented program. Hidde VanDuym spoke for the Board in saying that it mandated that every school should have a plan for gifted and talented programs by 1990 and there was a great deal of concern by doing so and this bill could be a response to that.

Rep. Hannah asked Chip Erdmann to address further the mention he made regarding the separation of powers and the authority the legislature has over the Board of Public Education. He said the Board is a constitutional body in Montana that is given the authority to set policy for elementary and secondary education. They did not wish to give veto powers to the legislature for rulings of the Board. Research indicated that it would be unconstitutional for the legislature to have that right. The planning at the State Board level may rectify the problems. Tom Hannah referred to lines 21 and 22 of the bill, Page 2, which seemed to reinstate the authority back to the Board. Mr. Erdmann said that his interpretation was correct but through the check and balances of the procedure, it may not get to that point. He felt if the language were struck it would present a constitutional problem.

Rep. Eudaily pointed out that the word "next" was omitted from Page 2, (c) and the policy(ies) would go into effect under (b). Mr. Erdmann said the intent was that it would be the next legislative session and the word ought to be added to Line 18.

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Senator Smith closed the hearing by asking support of the bill and requesting that Representative Eudaily carry the bill on the floor.

ACTION ON SENATE BILL 289: Representative Eudaily moved the bill BE CONCURRED IN. Rep. Eudaily also proposed an amendment on Line 18, page 2, after the word "the", put in "next". The amendment carried by unanimous voice vote. Rep. Hannah moved to amend the bill in the following manner: On Page 2, line 21 following "districts" insert a "." and strike the remaining language on page 21, 22, and 23. Rep. Hannah said he felt it was a judgement call as to whether it was unconstitutional. He felt the legislature should have the ultimate authority and not the Board of Education. A roll call vote on this proposed amendment showed that it passed by a vote of 10 for and 3 against.

A voice vote was then entertained on the motion that Senate Bill 289 BE CONCURRED IN, AS AMENDED. The motion carried unanimously. Rep. Glaser will carry the bill.

ACTION ON SENATE BILL 167: The committee referred back to the amendment on the floor (Exhibit 4). Rep. Williams said he did not see the necessity of changing the language outside of the last line of the proposed amendment. There was concern by several committee members that the statement "any activity not reasonably related to a recognized academic and educational goal" was very broad. Rep. Eudaily said he had a problem with the way it read in that any courses outside the regular academic year and for 180 days nothing else would apply. It referred only to summer school in the first paragraph. Rep. Williams made a substitute motion that the amendment only include the line "The trustees may waive this fee in cases of financial hardship." The motion carried by voice vote with Representatives Brandewie, Thomas, and Eudaily opposing. Rep. Eudaily asked about the term "normal school functions" on line 19, to which Rep. Williams replied that that has to be decided by the board of trustees in the district. Rep. Williams moved that an amendment be added to Senate Bill 167 to delete the language on the last three lines, the question was called for on the second amendment and it carried unanimously.

Rep. Williams moved that Senate Bill 167 BE CONCURRED IN AS AMENDED, and Rep. Harbin seconded the motion. There followed discussion on basic education definitions and, in response to a comment made by Rep. Mercer, Rep. Brandewie described basic education as that required by state standards for graduation. His concern was charges being made for the teacher's salary in courses such as industrial arts, shorthand, typing, etc. and this may be a method to help finance schools. Rep. Harrington reminded the committee that the school boards will be limited by the people as to what they can do. The Supreme Court has said that the districts may charge for certain activities and

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this bill actually limits them a bit. Rep. Brandewie was concerned about who will pay for the ones not financially able, would it be the district general fund or the other students who are paying the fees. Rep. Eudaily was concerned with the title not agreeing with the language in the bill, as the title refers to academic goal and the bill says "educational" goal, which is more broad.

The questions was called for on the motion that S.B. 167 BE CONCURRED IN, AS AMENDED and a roll call vote showed the motion passed unanimously with Reps. Mercer, Eudaily and Brandewie casting opposing votes. Rep. Williams will carry the bill on the floor.

ACTION ON SENATE BILL 319: Rep. Williams moved that the bill BE CONCURRED IN. The motion carried by voice vote unanimously. Rep. Harrington will carry the bill to the House.

FURTHER CONSIDERATION OF SENATE BILL 256: Rep. Eudaily suggested that this bill be passed for the day as the amendments are still being worked on.

There being no further business, the meeting adjourned at 6:00 p.m.



REP. DAN HARRINGTON, Chairman

crf

DAILY ROLL CALL

EDUCATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 3-20-85

NAME	PRESENT	ABSENT	EXCUSED
Dan Harrington	✓		
Ralph Eudaily	✓		
Ray Brandewie	✓		
William Glaser	✓		
Joe Hammond			✓
Thom Hannah	l		
Raymond Harbin	✓		
Roland Kennerly	✓		
Les Kitselman	l		
John Mercer	✓		
John Montayne	✓		
Richard Nelson	✓		
Jerry Nisbet	✓		
Ray Peck		✓	
Jack Sands	l		
Ted Schye	✓		
Fred Thomas	l		
Mel Williams	✓		

STANDING COMMITTEE REPORT

MARCH 21

19 85

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE JOINT RESOLUTION Bill No. 21

THIRD reading copy (BLUE)
color

RESOLUTION ON CLOSE UP PROGRAM

Respectfully report as follows: That SENATE JOINT RESOLUTION Bill No. 21

BE CONCURRED IN

~~DO PASS~~

STANDING COMMITTEE REPORT

MARCH 21

19 85

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE Bill No. 319

THIRD reading copy (BLUE)
color

**SURROGATE PARENT FOR HANDICAPPED CHILD IN EDUCATIONAL DECISION-
MAKING**

Respectfully report as follows: That SENATE Bill No. 319

BE CONCURRED IN

Robert G. Littlejohn

~~DO PASS~~

STANDING COMMITTEE REPORT

MARCH 21

19 85

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE Bill No. 167

THIRD reading copy (BLUE)
color

ALLOW SCHOOLS TO CHARGE FEES FOR NONACADEMIC SCHOOL ACTIVITIES

Respectfully report as follows: That SENATE Bill No. 167

BE AMENDED AS FOLLOWS:

1. Page 1, line 19.
Following: "functions."
Insert: "The trustees may waive the fee in cases
of financial hardship."
2. Page 1, lines 22 through 24.
Following: "20-9-210"
Strike: remainder of line 22 through "DERIVED"
on line 24

AND, AS AMENDED

BE CONCURRED IN

DO PASS

STANDING COMMITTEE REPORT

MARCH 21

19 85

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE Bill No. 239

THIRD reading copy (BLUE)
color

**PROVIDING THAT RULES IMPOSING DUTY ON SCHOOLS NOT EFFECTIVE
WITHOUT FUNDING**

Respectfully report as follows: That SENATE Bill No. 239

BE AMENDED AS FOLLOWS:

1. Page 2, line 18.
Following: "If the"
Insert: "next"
2. Page 2, lines 21 through 23.
Following: "districts"
Strike: remainder of line 21 through "standard"
on line 23

AND, AS AMENDED

BE CONCURRED IN

~~DO PASS~~

REP. DAN HARRINGTON Chairman.

ROLL CALL VOTE

HOUSE COMMITTEE EDUCATION

DATE 3.20.85 SENATE Bill No. 289 Time _____

NAME	YES	NO
XXX Dan Harrington		
Ralph Eudaily	✓	
Ray Brandewie	✓✓	
William Glaser	✓✓	
Joe Hammond		
Tom Hannah	✓	
Raymond Harbin	✓✓	
Roland Kennerly	✓✓✓	
Les Kitselman	✓✓✓	
John Mercer	✓✓✓	
John Montayne	✓✓✓	
Richard Nelson	✓✓	
Jerry Nisbet		✓
Ray Peck		
Jack Sands		
Ted Schye		
Fred Thomas		
Mel Williams		✓✓
Dan Harrington		✓✓

Secretary _____

Chairman _____

Motion: HANNAH
AMENDMENT PASSES 10-3

CloseUp

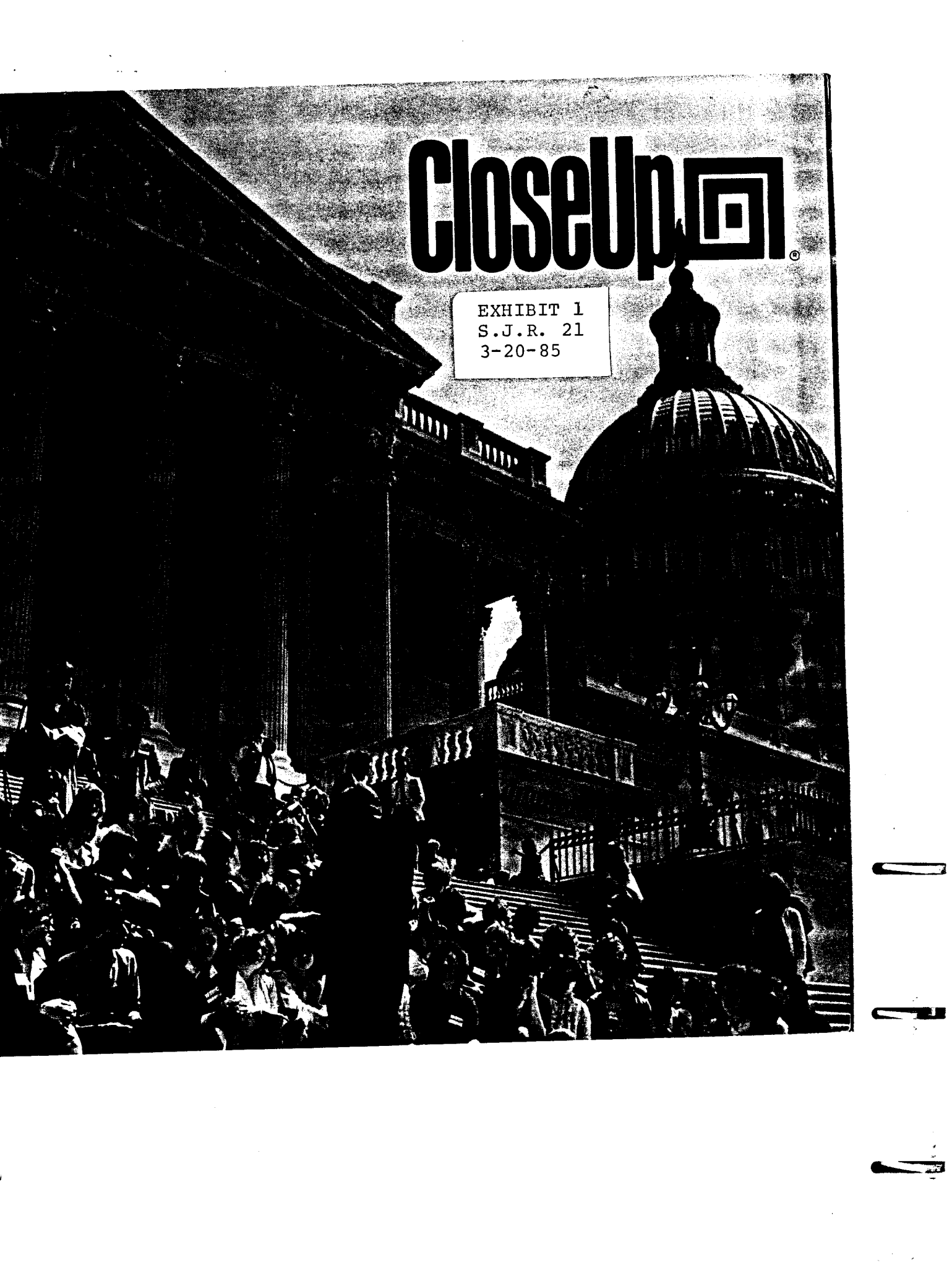


EXHIBIT 1
S.J.R. 21
3-20-85

Senate Education and
Cultural Resources Committee
February 22, 1985
Page 2

CONSIDERATION OF SENATE JOINT RESOLUTION 21: SENATOR BOB BROWN, District 2, sponsor of the resolution, said it commends the state of Montana's participation in the Close Up Program. The program, which has been in operation for 15 years, has allowed 200,000 students to go to Washington, D.C. to participate in a well organized educational program. The Washington visit is the culmination of a study program in American government the students take locally. Senator Brown participated in the program last spring and was extremely impressed with the high level programming it contained. Montana is the only state where students do not participate on a statewide basis. The resolution would allow for 20 high schools with high quality American government studies to participate. Funding is by scholarship and student fund raising activities. Senator Brown presented two letters in support of the program to the committee (Exhibit #2).

PROPOSERS:

ED ESCHLER, Office of Public Instruction, showed a twenty minute film, "CLOSE UP, AN INVESTMENT IN DEMOCRACY" to the committee.

KEREL HAGEN, Columbia Falls High School American Government teacher, presented materials re the program to the committee (Exhibit #3). He said students need to know more about the democratic process, including "participation". He said the trip to Washington, D.C. really gets to the heart of it all and provides opportunities to meet and exchange views with congressmen, Supreme Court Justices, and government leaders. He urged the committee to give the bill the lifeblood of American democracy, their support.

KAREN FENTON, Montana State University professor and President of the Montana Indian Education Association, spoke of the overwhelming interest from Indian schools and students in the state. She said, both as a Native American and as a citizen of the state of Montana, she encourages participation in this worthwhile program.

BOB DEMMING, Superintendent of the School for the Deaf and Blind, Great Falls, spoke of his students participation in the program in his written testimony (Exhibit #4).

Senate Education and
Cultural Resources Committee
February 22, 1985
Page 3

CHIP ERDMAN, Montana School Boards Association, asked the committee to support the resolution. He said 120 students will participate this year in an educational experience that cannot be gotten in the classroom.

There were no further proponents and no opponents to the resolution.

EXECUTIVE SESSION

ACTION ON SENATE JOINT RESOLUTION 21: SENATOR MAZUREK moved SJR 21 DO PASS. The motion carried unanimously.

ACTION ON SENATE BILL 385: SENATOR MAZUREK moved SB 385 BE AMENDED as per the attached standing committee report. The motion carried unanimously.

SENATOR HAFHEY moved SENATE BILL 385 DO PASS AS AMENDED. The motion carried unanimously.

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



Senator Chet Blaylock, Chairman

jdr

GLASGOW SCOTTIES



SCHOOL DISTRICT NUMBER 1 & 1-A
Warren H. Gamas, Ass't Supt. & Clerk
(406) 228-2406

SENIOR HIGH SCHOOL (406) 228-2485
Ronald F. Stegmann, Principal
Glenn Monson, Vice-Principal

JUNIOR HIGH SCHOOL (406) 228-2406
Sidney D. Sulser, Principal

IRLE SCHOOL (406) 228-2215
Dennis Idler
Principal

EAST SIDE SCHOOL (406) 228-8451
SOUTH SIDE SCHOOL (406) 228-2911
Gary Sauter
Principal - Elementary Coordinator

Glasgow Public Schools

Gary F. Martin, Superintendent
(406) 228-2406
Post Office Box 28
GLASGOW, MONTANA 59230

February 19 1985

Senator Bob Brown
Senate Education Committee
State Capitol
Helena Montana 59620

Dear Senator ^{Bob}Brown

I am corresponding to you in support of Montana endorsing the Close-Up program based in Washington, D.C.

I had a first hand chance and experience (as you also did) to go to Washington, D.C. and observe and participate in the Close-Up program. It is a hands on experience in seeing how our government functions. The planning of bringing high school students from all over the United States to visit and study our national capitol and government in action was very impressive. The Close-Up group is most thorough in planning tours, visitations, conducting study groups, and in general keeping the students on task, on schedule, and on time. The logistics, food, security, and accomodations were excellent.

I endorse the program without reservation, and encourage Montana's participation. It is an experience a high school student would most certainly enjoy and remember the rest of his/her life.

The program has been operating for some fifteen years. Montana has not been an active member previously. It is time that we give our students the opportunity to becoming involved.

Sincerely

Gary F Martin
Superintendent
School District #1
Glasgow Montana 59230

GFM/pc

STR 21
FEB 22, 1985
Ed. & L.V. R.



EASTERN
MONTANA COLLEGE

1500 North 30th Street, Billings, MT 59101-0298

Division of Elementary and Secondary Education

406/657-2315

STR 21
Feb. 27, 1985
Ed & ELLP

February 20, 1985

Senator Robert Brown
Montana State Senate
State Capitol Building
Helena, Montana

Dear Senator Brown:

I have been associated with the Close Up Foundation since 1978 when it began its work in Wyoming. At that time I was a high school social studies teacher in the town of Buffalo which had a high school of approximately 400 students (9 - 12). I have to admit that when a group of Easterners came into our state and offered us "free rides" for teachers and students to Washington, D.C., we started looking for "the catch."

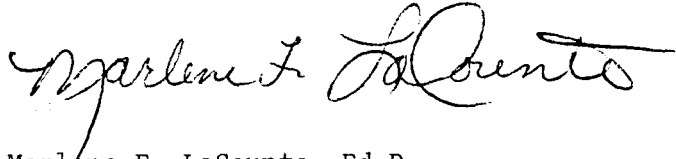
The first year of our involvement we sent one teacher and three students (of the two additional students, one was from the other high school in our district and was given a scholarship by the Board of Education and one paid his own way). The enthusiasm of the students and teacher about the program encouraged eight students to attend the next year and by the third year, our high school sent 22 students.

The Close Up Program is different from other programs I've known. It is not a sight-seeing tour! Students are supplied with materials on American government and current issues before they go and must meet in study groups so that they are prepared to get the most out of their contacts with members of the President's Cabinet, the U.S. Senate and House of Representatives, the press corps, etc. While in Washington the students work from 7:00 a.m. to 11:00 p.m. The beauty of the program is that students are actively involved, working hard, learning more than they could possibly learn in a whole semester of United States Government in the classroom and loving it!

There are, of course, fringe benefits which are gained by the students who do not attend the Washington program. Teachers who participate come back with renewed commitment to teaching government. Local and state Close Up-type programs develop and assist students to learn about the governmental processes in their own locales. And, long-range benefits should include more citizens actively involved in government at all levels.

I urge you to support a resolution favoring the involvement of Montana schools in the Close Up Program. It will serve to make our commitment to democratic governance stronger.

Sincerely yours,

A handwritten signature in cursive script, reading "Marlene F. LaCounte". The signature is written in dark ink and is positioned above the typed name.

Marlene F. LaCounte, Ed.D.

Assistant Professor of Education

Eastern Montana College

SCHOOL FOR THE DEAF AND THE BLIND

STN 21
Feb. 22, 1985
Jim Ad &
Bill Ric



STATE OF MONTANA

3911 CENTRAL AVENUE

GREAT FALLS, MONTANA 59401

(406) 453-1401

TED SCHWINDEN, GOVERNOR

TESTIMONY - SENATE EDUCATION COMMITTEE

FEBRUARY 22, 1985

Mr. Chairman and Members of the Committee, for the record, I am Bob Deming, Superintendent, School for the Deaf and Blind, Great Falls.

Our School has been sending students to Close-Up in Washington, D.C. since the 1982 school year.

Direct experience is the best way to learn. Close-Up puts students in contact with people whose daily work involves domestic issues and foreign policies.

Our students in social studies classes receive background information during the year preceding the Close-Up week in D.C.

We have used the private sector for financial support through donations from businesses, civic organizations, individuals, as well as, car washes, and other student activities. Coupled with Close-Up Foundation support and their fellowship program.

In 1982 we sent three students, in 1983 - 5 students, 1984 - 5 students, this year we anticipate 7 students going as it is our first year to send both deaf and blind students.

Montana's delegation, Senators Baucus, Melcher, Representatives Marlenee and Williams have participated and particularly impressed our students with their up-close and personal contact with our students.

This is a living classroom experience to explore on a first-hand, non-partisan fashion, the workings of our federal political system. Close-Up offers guidance to teachers as well as resources to establish school based Close-Up clubs, courses, alumni chapters and fund raising projects.

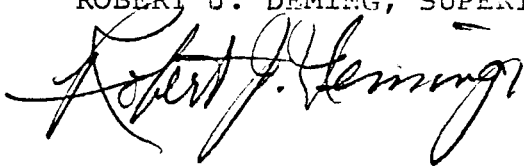
We have experience that our students have been instilled with a greater understanding and appreciation of active and responsible citizen involvement in the democratic process.

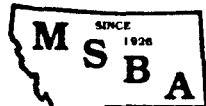
Ours has been the only Montana Public School participating in Close-Up until this year. The Board of Public Education has been most instrumental in promoting our school's involvement over the years.

Mr. Chairman and Members of the Committee, I urge you on behalf of the students in Montana's Schools to vote positively for this resolution.

Thank you--

ROBERT J. DEMING, SUPERINTENDENT

A handwritten signature in cursive script, reading "Robert J. Deming". The signature is written in dark ink and is positioned below the typed name.



MONTANA SCHOOL BOARDS ASSOCIATION

EXHIBIT 3
S.B. 167
3-30-85
501 North Sanders
Helena, Montana 59801
Telephone: 406/442-2187
Wayne G. Buchanan, Executive Director

March 19, 1985

OFFICERS:

PRESIDENT

Marvin Edwards
Box 428
Chinook, MT 59523

VICE PRESIDENT

Karen Doolen
5503 Sweetgrass Creek Drive
Billings, MT 59106

IMMEDIATE

PAST PRESIDENT

Robert Short
1510 Tompy
Miles City, MT 59301

DISTRICT DIRECTORS:

1 EARL LEE
Rt. 1, Box 59
St. Ignace, MT 59865

2 MARVIN EDWARDS
P.O. Box 428
Chinook, MT 59523

3 SALLY LISTERUD
Box 937
Wolf Point, MT 59201

4 HENRY NOLLMEYER
Savage, MT 59262

5 DOLORES VESTAL
Rt. 1, Box 19
Denton, MT 59430

6 LUCE TULLY
5355 Mullan Road
Missoula, MT 59801

7 KENNETH BANDELLER
740 E. Bannack St.
Dillon, MT 59725

8 TAMMY HALL
6734 Gooch Hill Road
Bozeman, MT 59715

9 GAIL ALEXANDER
Box 47
Shawmut, MT 59078

10 HUGH BROADUS
Route 1
Forsyth, MT 59327

MUNICIPAL:

BILLINGS DIRECTOR

KAREN DOOLEN
5503 Sweetgrass Crk. Dr.
Billings, MT 59106

BUTTE DIRECTOR

ROBERT MOODRY
1921 Adams
Butte, MT 59701

GREAT FALLS DIRECTOR

DON HAMILTON
Box 2269
Great Falls, MT 59403

MISSOULA DIRECTOR

RON FERNELIUS
2216 East Vista
Missoula, MT 59801

AMENDMENTS TO SB167

The changes involve lines 16 through 19, and replace the general standard with a more specific standard. The new language will change the standard to:

(1) The trustees of any district may:

(A) *****

(B) charge pupils a reasonable fee for courses offered outside the regular academic year, other supplementary instruction and extra-curricular activities. The trustees may waive this fee in case of financial hardship.

(2) *****

The concern was that the "recognized academic and educational goal" language of the original bill was too general. This new language is an attempt to be more specific, yet still cover the areas that were intended to be covered.

The language "Courses offered outside the regular academic year" makes it clear that the district may charge for summer courses. "Other supplementary instruction" includes such courses as language class in elementary schools, adult education and other courses "supplementary" to the normal academic programs. "Extra-curricular activities" include the traditional areas such as sports, speech, drama, etc.

March 19, 1985

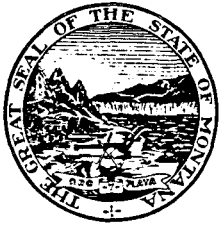
PROPOSED AMENDMENT TO SB167
BLUE COPY

1. Page 1, line 16 through line 19 following: "for" on line 16

Strike: remainder of line 16 through "functions" on line 19.

Insert: "courses offered outside the regular academic year, other supplementary instruction and extra-curricular activities. The trustees may waive this fee in cases of financial hardship."

EXHIBIT 5
S.B. 319
3.30.85



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 444-3095

Ed Argenbright
Superintendent

March 20, 1985

To: Dan Harrington
Chair, Education and Cultural
Resources Committee

From: Gail Gray *[Signature]*
Department of Special Services
Office of Public Instruction

Re: Testimony on Senate Bill 319

The Office of Public Instruction supports this bill which provides for the appointment of a surrogate parent for a handicapped child and prescribes the responsibilities of a surrogate parent when appointed.

In 1975, P.L. 94-142, the Education for All Handicapped Children Act, was passed. In 1977, regulations to implement this law were promulgated. One component of the regulations and the law dealt with the necessity to have someone act as the parent for each child suspected of being handicapped. This person would give 1) permission for evaluations, 2) participate in the decision as to whether the child was handicapped and, if so, 3) assist in the development of an individual education program for the child and 4) give permission for the educational placement of the child. In most cases a natural parent or guardian is available for this responsibility. Federal regulations state that each public agency shall ensure that the student's rights are protected by the appointment of a surrogate parent when 1) no parent can be identified, 2) the public agency cannot discover the whereabouts of the parent, or 3) the child is a ward of the state under the laws of that state.

The federal regulation indicates that the public agency may select a surrogate parent in any way permitted under state law. However, the surrogate parent can have no interest that conflicts with the interest of the child he or she represents and that the surrogate has knowledge and skills that ensure adequate representation of the child.

In 1984, the Department of Education monitored the Montana State Education Agency for compliance to federal statute and regulations. Generally the report was very favorable. There was an exception in the area of surrogate parent procedures. The Department felt our State Education Agency was out-of-compliance here as there was no formal procedure implemented for appointment of surrogate parents in either the local school districts or the state-operated programs.

This issue is somewhat addressed in the Administrative Rules of Montana, 10.16.1104, which state that state and local education agencies may select a surrogate parent in any way permitted under state law. Since our state law does not address this issue, the legal staff for the Montana State Office of Public Instruction indicated it was necessary to request statutory language through the legislative process to properly address this issue of surrogate parents. Their legal opinion indicated that this addressment should include 1) a definition of surrogate parent, 2) policy approval by the Montana Board of Public Education, 3) training requirements, 4) responsibility for appointment and 5) the immunity from liability for the surrogate parent.

This bill addresses these concerns. We ask your favorable consideration on it.

VISITOR'S REGISTER

HOUSE _____ EDUCATION _____ COMMITTEE _____
SENATE JOINT RES. _____
~~XXXX~~ #21 _____ CLOSE UP PROGRAM _____ DATE _____ MARCH 20, 1985
SPONSOR _____ BOB BROWN _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITOR'S REGISTER

SENATE	HOUSE	EDUCATION	COMMITTEE
BILL	PROVIDING THAT RULES IMPOSING DUTY		
289 -	ON SCHOOLS NOT EFFECTIVE WITHOUT		DATE
	FUNDING		MARCH 20, 1985
SPONSOR	ED SMITH		

[illegible]

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VISITOR'S REGISTER

HOUSE EDUCATION COMMITTEE
SENATE SURROGATE PARENT FOR HANDICAPPED CHILD
BILL 319 - IN EDUCATIONAL DECISION-MAKING DATE MARCH 20, 1985

SPONSOR JUDY JACOBSON

[illegible]

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