

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

April 19, 1985

The meeting of the Education and Cultural Resources Committee was called to order by Chairman Dan Harrington on April 19, 1985 at 4:50 p.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members of the Committee were present with the exceptions of Representatives Brandewie, Kitselman, Mercer and Thomas. Representative Williams was previously excused by the Chairman.

CONSIDERATION OF HOUSE JOINT RESOLUTION 62: Representative Tom Hannah, District #86, presented this bill as its chief sponsor. He said the bill was drafted a month ago and introduced earlier this week and he felt it has significance in that a court case has been filed in the last day or two. The resolution calls for the legislature to try and look at what a basic education is, establish and define it, and then see if the State can fund that basic education. He spoke of two inherent dangers in the resolution being, 1) the interim committee would come back with a recommendation that would require massive increases in state funding, and 2) the study would result in a very narrow definition which would cutback funding for education. Representative Hannah relayed that, according to the 1972 constitution, it is appropriate for the legislature to define what a basic education is and to fund that portion. He feels there has been a movement away from that.

PROPOSERS: Hidde Van Duym, Executive Secretary to the Board of Public Education stood as a proponent to the resolution. He offered testimony and an amendment for consideration. See Exhibit #1. The amendment proposed that the Board of Public Education be added in the resolution as a resource for advice and recommendations.

Chip Erdmann, Montana School Board Association, agreed that there are dangers in the resolution. Even though there are hard questions to answer, they cannot be ignored. The courts will be looking at the same questions, and the legislature has a duty to take the incentive and come up with a mutually agreeable path for everyone to follow.

Eric Feaver with the Montana Education Association, rose as a reluctant proponent. Particularly since the suit has been

filed, he feels the legislature should study the issues involved in this resolution. The M.E.A. is a reluctant participant in the lawsuit, not as a litigant or part of the coalition, but as an entity trying to fashion an appropriate remedy for the state. It is necessary for the legislature to clarify the relationship between the Foundation Program and the accreditation standards. Senate Bills 382 and 289 did raise a lot of questions that need clarification. What is the obligation of the legislature as to the cost and opportunity for education delivered across the state? The fear is the same in the study as in the suit - that the basic education would be so minimally defined as to leave the state with a small obligation and the local taxpayers would have to pick up the rest of the load. The disparity or inequity could still exist as the local districts may not be able to offer a program greater than the minimum standards and that may be less than other districts.

Bill Anderson with the Office of Public Education distributed copies of the pending lawsuit, see Exhibit #2. He said on the advice of attorneys, the O.P.I. will not become involved in the interim study, but stands ready to supply any information. They worked with Representative Hannah upon drafting this proposal, but they express concerns with the intent of the study. He said he, personally, has strong reservations about putting basic education together for the purposes of funding. It has been tried in the past and many states are trying it now. Education has lost control in the present situation and he would encourage all legislators to get involved in the process. It is not a simple problem and if everyone works together the problem can be corrected.

Chip Erdmann said he was asked by Jesse Long of the School Administrators of Montana to voice their support of the resolution. They do share the concerns already brought before the Committee.

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

Representative Sands questioned Hidde Van Duym regarding the "If's" in his testimony. Mr. Van Duym's response was there is a struggle and an agency role in that they do their part. He said drawing the entire initiative on one side is not good and the agencies should be saddled with some responsibility, and share in working on the issues. Besides costs, there are other issues such as function, etc. that need to be looked at.

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Representative Eudaily said the Board of Public Education is mentioned several times in the resolution and he knows that they would be included for advice and recommendations. Also the school administrators, the school board, and the teacher organizations are not enumerated. Representative Eudaily wondered if the proposed amendment were necessary. Mr. Van Duym said some board members had anxiety about the tone of the resolution which may put the board on the spot and he felt they would appreciate being put in the resolution. Since it affects the role of the Board, he felt it was important.

Representative Nelson asked Representative Hannah if he thought this study would run into legislative curriculum. Representative Hannah replied that he certainly would hope not. He reiterated that he is well aware of the dangers in this resolution, but the lawsuit and the resolution could run parallel and be appropriate, but he really didn't know how it would affect the lawsuit.

Representative Schye asked Chip Erdmann of his feelings on the question of legislative curriculum. He responded by saying that the school board decides what courses are to be offered in their schools. He said there is a possibility because of the lawsuit or the resolution that the legislature would define what the curriculum would be in the schools and that would not be appropriate.

Representative Hannah closed the hearing on the resolution by saying the dangers have been brought forth but he feels this is a positive step to try and solve the problems. If it is not addressed by the legislature, it is his guess that it would be resolved judicially.

Chairman Harrington called for Executive Session on this bill while waiting for the arrival of a sponsor of another resolution.

ACTION ON HOUSE JOINT RESOLUTION 62: Representative Peck moved that the resolution DO PASS. Representative Peck said the Board of Education really sets the standards for education. He does not feel the legislature will get involved in setting curriculum, but will define the basic education and courses that will be funded. No one has ever said that we are not meeting our obligations because "basic education" has never been defined. The time is long overdue; he is not afraid of the resolution and would be siding with the publically elected officials who are closer to the people and have the expertise rather than the courts. Representative Sands expressed a concern that the study may be two years too late and the court decision may be over before any of the study is considered. Representative Eudaily pointed out that an interim study was done between the 1981-83 session which was aimed at financing the schools. He agreed that it may be

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four years too late, but one of the first questions that would be asked by the court is to define what a basic education is and this study would at least make the initial step. Representative Harrington echoed that there are many different issues in each area and the big thing is the cost of education considering basic requirements. Representative Glaser said the problem has been known since the approval of the constitution and it is not too late.

Representative Hannah said he had no objections to putting the Board of Education's amendment on the bill, but his intention is to have all interested parties involved. The term "all other affected parties" may need to be added, as well. Representative Eudaily moved adoption of the amendment, Page 4, line 3, new section "(f) seek the advice and recommendations of the Board of Public Education".

Representative Peck said in light of the O.P.I. not serving on this study, would the Board feel free to do so. Hidde Van Duym said there are some things on the books now which define basic education which would be contributory. If counsel at some time says it would be better that they did not, they would abide by it. Bill Anderson said he hoped there would be no conflict by the Board of Education serving on the study. In the O.P.I., they would be negotiating directly with the courts. Representative Nelson spoke against the amendment because they may be under a legal restraint and if you list one, you should list all. Representative Eudaily pointed out that the Board of Education is mentioned four times in the bill specifically and it would not hurt if it made them feel better. Mr. Van Duym responded by saying the Board is listed in the lawsuit and is in the position of setting policies and is integrally involved and represent a difference from the others who are affected by the Board decisions.

The question was called and a voice vote showed the motion to amend the resolution failed by a vote of six for and seven against. On the motion that H.J.R. 62 DO PASS, a voice vote showed it carried unanimously.

CONSIDERATION OF SENATE JOINT RESOLUTION 39: In the absence of Senator Jack Haffey, sponsor of this resolution, Chairman Harrington stood to introduce it. This resolution honors Timothy J. Sullivan who gave his life in the service of his community, state, and nation. Representative Harrington said it is nice to remember someone in this way. Tim Sullivan was born and raised in Butte and lived most of his adult life in Anaconda, serving on the police force there. It is important to recognize someone when they have given their life in the line of duty.

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There being no proponents or opponents, Vice-Chairman Eudaily opened the floor to comments. Representative Montayne questioned the form of document that would be sent to Timothy Sullivan's family. It was brought out that it may be similar to the memorial documents used for last Sunday's ceremony. Representative Harrington closed the hearing by saying that it is something that the family could treasure in the years to come, and he hoped that the resolution would pass.

ACTION ON SENATE JOINT RESOLUTION 39: Representative Hannah moved that Senate Joint Resolution 39 BE CONCURRED IN. Representative Nelson seconded the motion and it passed unanimously.

There being no further business, the meeting adjourned at 5:30 p.m.



DAN HARRINGTON, Chairman

crf

DAILY ROLL CALL

EDUCATION COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 4-19-85

NAME	PRESENT	ABSENT	EXCUSED
Dan Harrington	✓		
Ralph Eudaily	✓		
Ray Brandewie		✓	
William Glaser	✓		
Joe Hammond	✓		
Thom 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			✓

STANDING COMMITTEE REPORT

APRIL 19

05

..... 19.....

MR. SPEAKER.....

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

having had under consideration SENATE JOINT RESOLUTION..... Bill No. 39.....

THIRD..... reading copy (BLUE)
color

RESOLUTION MEMORIALIZING TIMOTHY J. SULLIVAN

Respectfully report as follows: That..... SENATE JOINT RESOLUTION..... Bill No. 39.....

BE CONCURRED IN

DO PASS

STANDING COMMITTEE REPORT

APRIL 19

19 35

MR. SPEAKER

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE JOINT RESOLUTION Bill No. 62

FIRST reading copy (WHITE)
color

REQUESTING AN INTERIM STUDY OF BASIC EDUCATION STANDARDS AND FUNDING

Respectfully report as follows: That HOUSE JOINT RESOLUTION Bill No. 62

DO PASS



Board of Public Education

April 19, 1985

BOARD MEMBERS

Hidde Van Duym
Executive Secretary

EX OFFICIO MEMBERS:

Ted Schwinden, Governor
Ed Argenbright, Superintendent of
Public Instruction
Irving E. Dayton, Commissioner
of Higher Education

APPOINTED MEMBERS:

Ted Hazelbaker, Chairman
Dillon
James Graham, Vice Chairman
Ismay
Sarah "Sally" Listerud
Wolf Point
Alan Nicholson
Helena
Arthur "Rocky" Schauer
Libby
Bill Thomas
Great Falls
Thomas A. Thompson
Browning

House Education and Cultural Resources Committee

Mr. Chairman, members of the Committee:

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

IF you think that this resolution is needed because there is a need for accountability in the funding of education, for establishing a specific relationship between the money distributed and the programs mandated by the Board of Public Education, and

IF you feel that such accountability is better accomplished through a legislative interim committee than through a mandate to the appropriate agencies, as was intended by Senator Ed Smith's bill SB 289, and Senator Ted Neuman's bill SB 382, both of which the Board supported, and

IF you truly feel that this committee is the best vehicle to resolve and address the issues related to the funding of education raised during this legislative session, and by the law suit seeking a declaratory judgement on the funding system in the state,

THEN, the Board supports this resolution with the request that you include a provision for seeking the advice and recommendations from the Board of Public Education.

I have attached the text of the amendment.

HJR 62

That House Joint Resolution No. 62 be amended as follows.

1. Page 4, line 3
Following: "consideration"
Insert: "(f) seek the advice and recommendations
of the Board of Public Education"

SUMMONS

EXHIBIT 2

H.J.R. 62

1-19-85

Deputy Clerk

THOMAS C. HONZEII

Presiding Judge

IN THE DISTRICT COURT

OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF MONTANA
IN AND FOR THE COUNTY OF LEWIS & CLARK

SUMMONS

No. CDV - 85-370

Filed _____, 19____

Clerk

By _____

Deputy Clerk

HELENA ELEMENTARY SCHOOL DISTRICT NO. 1 AND HIGH SCHOOL DISTRICT NO. 1
OF LEWIS & CLARK COUNTY, et al.

Plaintiff, S.

versus

THE STATE OF MONTANA; and THE MONTANA BOARD OF PUBLIC EDUCATION; and the
MONTANA SUPERINTENDENT OF PUBLIC INSTRUCTION,

Defendant, S.

THE STATE OF MONTANA, To the above named defendant, S.; You are hereby summoned to answer the complaint in this action, which is filed in the office of the Clerk of this Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the plaintiff's attorney, within twenty days after the service of this Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

WITNESS my hand and the seal of said Court, this 19th day of April, A.D., 1985

James H. Goetz

CLARA GILREATH, Clerk

GOETZ, MADDEN & DUNN, P.C.

35 North Grand

Bozeman, Montana 59715

Attorney for Plaintiff, S.

(COURT SEAL)

KATHLEEN J. GARRETT

Clerk

By

Deputy Clerk

OFFICE OF THE SHERIFF
OF _____ COUNTY,
STATE OF MONTANA.

I HEREBY CERTIFY, That I received the within Summons on the _____ day of _____
A. D., 19____, and personally served the same on the _____ day of _____, A.D., 19____. By
delivering a copy thereof, together with a copy of the complaint in said action, to _____
_____ in the County of _____
being one of the defendant.. named in said Summons.

I FURTHER CERTIFY, That I personally served the same on the _____ day of _____
A. D., 19____, on _____
by delivering to and leaving with the said _____
personally, a copy of said Summons, in the County of _____ the said _____
_____ being _____ the defendant.. named in said
Summons.

Service - - - \$ _____

Mileage - - - \$ _____

Total - - - \$ _____

Sheriff

By

Sheriff

THOMAS G. MONTEI
DISTRICT JUDGE

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF LEWIS & CLARK

* * * * *

HELENA ELEMENTARY SCHOOL)
DISTRICT NO. 1 AND HIGH SCHOOL)
DISTRICT NO. 1 OF LEWIS & CLARK)
COUNTY, et al.)

Plaintiffs,)

vs.)

THE STATE OF MONTANA; and)
THE MONTANA BOARD OF PUBLIC)
EDUCATION; and the MONTANA)
SUPERINTENDENT OF PUBLIC)
INSTRUCTION,)

Defendants.)

No. CDV-85-370

ACKNOWLEDGMENT OF SERVICE

I, _____, of the Office of the
Superintendent of Public Instruction of the State of Montana
hereby acknowledge service of the Summons and Complaint in the
above-captioned action this ____ day of April, 1985.

STATE OF MONTANA)
:ss
County of Lewis & Clark)

I hereby certify that on the ____ day of April, 1985, before
me, a notary public for the state of Montana, personally appeared
_____, known to me to be the person
whose name is subscribed to the above and foregoing instrument
and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year first above written.

(SEAL)

Notary Public for the State of Montana
Residing at: _____
My commission expires: _____

1 IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT
2 OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF LEWIS & CLARK

3 * * * * *

4 HELENA ELEMENTARY SCHOOL)
DISTRICT NO. 1 AND HIGH SCHOOL)
5 DISTRICT NO. 1 OF LEWIS & CLARK)
COUNTY; BILLINGS ELEMENTARY)
6 SCHOOL DISTRICT NO. 2 AND HIGH)
SCHOOL DISTRICT NO. 2 OF)
7 YELLOWSTONE COUNTY;)
FLORENCE-CARLTON ELEMENTARY)
8 SCHOOL DISTRICT NO. 15-6 AND)
HIGH SCHOOL DISTRICT NO. 15-6 OF)
9 RAVALLI COUNTY; BOX ELDER)
ELEMENTARY SCHOOL DISTRICT NO. 13)
10 AND HIGH SCHOOL DISTRICT NO. 6)
OF HILL COUNTY; ALBERTON)
11 ELEMENTARY SCHOOL DISTRICT NO. 2)
AND HIGH SCHOOL DISTRICT NO. 2 OF)
12 MINERAL COUNTY; WILSALL ELEMENTARY)
SCHOOL DISTRICT NO. J53-38 AND)
13 HIGH SCHOOL DISTRICT NO. 3 OF)
PARK COUNTY; DRUMMOND ELEMENTARY)
14 SCHOOL DISTRICT NO. 11 AND HIGH)
SCHOOL DISTRICT NO. 2 OF GRANITE)
15 COUNTY; HOBSON ELEMENTARY SCHOOL)
DISTRICT NO. 25 AND HIGH SCHOOL)
16 DISTRICT NO. 25 OF JUDITH BASIN)
COUNTY; LEWISTOWN ELEMENTARY)
17 SCHOOL DISTRICT NO. 1 AND HIGH)
SCHOOL DISTRICT NO. 1 OF FERGUS)
18 COUNTY; DEERLODGE ELEMENTARY)
SCHOOL DISTRICT NO. 1 OF DEER)
19 LODGE AND POWELL COUNTIES;)
MISSOULA ELEMENTARY SCHOOL)
20 DISTRICT NO. 1 OF MISSOULA COUNTY;)
MISSOULA HIGH SCHOOLS, COUNTY)
21 HIGH SCHOOL DISTRICT OF MISSOULA)
COUNTY; COLUMBIA FALLS ELEMENTARY)
22 SCHOOL DISTRICT NO. 6 AND HIGH)
SCHOOL DISTRICT NO. 6 OF FLATHEAD)
23 COUNTY; RONAN ELEMENTARY SCHOOL)
DISTRICT NO. 30 AND HIGH SCHOOL)
24 DISTRICT NO. 30 OF LAKE COUNTY;)
SACO ELEMENTARY SCHOOL DISTRICT)
25 NO. 12A AND HIGH SCHOOL DISTRICT)
NO. B OF PHILLIPS COUNTY;)
26 STEVENSVILLE ELEMENTARY SCHOOL)
DISTRICT NO. 2 AND HIGH SCHOOL)
27 DISTRICT NO. 2 OF RAVALLI COUNTY;)
TROY ELEMENTARY SCHOOL DISTRICT)
28 NO. 1 AND HIGH SCHOOL DISTRICT)
NO. 1 OF LINCOLN COUNTY; LIBBY)
29 ELEMENTARY SCHOOL DISTRICT NO. 4)
AND HIGH SCHOOL DISTRICT NO. 4 OF)
30 LINCOLN COUNTY; KALISPELL)
ELEMENTARY SCHOOL DISTRICT NO. 5)
31 AND HIGH SCHOOL DISTRICT NO. 5 OF)
FLATHEAD COUNTY; VICTOR ELEMENTARY)
32 SCHOOL DISTRICT NO. 7 AND HIGH)
SCHOOL DISTRICT NO. 7 OF RAVALLI)

No. C-2V- 85-370

C O M P L A I N T

FILED

DEC 17 PM 1:58

KATHLEEN GARRETT

1 COUNTY; POWELL COUNTY HIGH SCHOOL)
DISTRICT OF POWELL COUNTY;)
2 HARLOWTON ELEMENTARY SCHOOL)
DISTRICT NO. 16 AND HIGH SCHOOL)
3 DISTRICT NO. 16 OF WHEATLAND)
COUNTY; BELT ELEMENTARY SCHOOL)
4 DISTRICT NO. 29 AND HIGH SCHOOL)
DISTRICT NO. D OF CASCADE COUNTY;)
5 ST. REGIS ELEMENTARY SCHOOL)
DISTRICT NO. 6 AND HIGH SCHOOL)
6 DISTRICT NO. 1 OF MINERAL COUNTY;)
NOXON ELEMENTARY SCHOOL DISTRICT)
7 NO. 10 AND HIGH SCHOOL DISTRICT)
NO. 10 OF SANDERS COUNTY; ROBERTS)
8 ELEMENTARY SCHOOL DISTRICT NO. 23)
AND HIGH SCHOOL DISTRICT NO. 5 OF)
9 CARBON COUNTY; LINCOLN COUNTY HIGH)
SCHOOL DISTRICT OF LINCOLN COUNTY;)
10 PARK CITY ELEMENTARY SCHOOL)
DISTRICT NO. 5 AND HIGH SCHOOL)
11 DISTRICT NO. 5 OF STILLWATER)
COUNTY; EUREKA ELEMENTARY SCHOOL)
12 DISTRICT 13 OF LINCOLN COUNTY;)
THOMPSON FALLS ELEMENTARY SCHOOL)
13 DISTRICT NO. 2 AND HIGH SCHOOL)
DISTRICT NO. 2 OF SANDERS COUNTY;)
14 ANACONDA ELEMENTARY SCHOOL)
DISTRICT NO. 10 AND HIGH SCHOOL)
15 DISTRICT NO. 10 OF DEER LODGE)
COUNTY; EAST HELENA ELEMENTARY)
16 SCHOOL DISTRICT NO. 9 OF LEWIS)
AND CLARK COUNTY; ABSAROKEE)
17 ELEMENTARY SCHOOL DISTRICT NO.)
52-C AND HIGH SCHOOL DISTRICT NO.)
18 52 OF STILLWATER COUNTY; BRIDGER)
ELEMENTARY SCHOOL DISTRICT NO. 2)
19 AND HIGH SCHOOL DISTRICT NO. 2 OF)
CARBON COUNTY; DARBY ELEMENTARY)
20 SCHOOL DISTRICT NO. 9 AND HIGH)
SCHOOL DISTRICT NO. 9 OF RAVALLI)
21 COUNTY; EVERGREEN ELEMENTARY)
SCHOOL DISTRICT NO. 50 OF)
22 FLATHEAD COUNTY; BIG TIMBER)
ELEMENTARY SCHOOL DISTRICT NO. 1)
23 OF SWEET GRASS COUNTY;)
CAROL WALTON, for herself and as)
24 parent of her minor child,)
MARJORIE WALTON; RICHARD AND)
25 JUDITH SEEMANN, for themselves)
and as parents of their minor)
26 children, ROBERT SEEMANN,)
RICHARD SEEMANN, AMY SEEMANN, and)
27 GRANT SEEMANN; JODY FRANK for)
herself and as parent of her)
28 minor children, JEREMY FRANK and)
JILLANN FRANK; GLENDA IODER, for)
29 herself and as parent of her)
minor child, GREGORY IODER;)
30 RANDALL S. OGLE and VIRGINIA B.)
OGLE, for themselves and as)
31 parents of their minor child,)
DAWN N. OGLE; and GREGORY C.)
32 MIDDAG and CYNTHIA JEANNE MIDDAG,)
for themselves and as parents of)

1 their minor children, TANSEY ROSE)
 2 MIDDAG and MURIKA JEANNE MIDDAG,)
 3 Plaintiffs,)
 4 vs.)
 5 THE STATE OF MONTANA; and THE)
 6 MONTANA BOARD OF PUBLIC EDUCATION;)
 7 and the MONTANA SUPERINTENDENT)
 8 OF PUBLIC INSTRUCTION,)
 9 Defendants.)

Plaintiffs, for their cause of action, allege as follows:

1. The school district plaintiffs are duly established school districts of the State of Montana. They are bodies corporate with the capacity to sue and be sued and they are organized and operate generally pursuant to the provisions of Title 20, Chapter 6 of the Montana Code Annotated. The individual plaintiffs are natural persons and parents of minor children who attend public elementary or high schools within the State of Montana which are inadequately funded by the State of Montana. Carol Walton is a resident of Missoula and her minor daughter, Marjorie Walton, attends the Missoula Public Schools. Richard and Judith Seemann are residents of Superior, Montana, and their minor children, Robert Seemann, Richard Seemann, Amy Seemann and Grant Seemann, attend the Superior Public Schools. Jody Frank is a resident of Superior, Montana, and her minor children, Jeremy Frank and Jillann Frank, attend the Superior Public Schools. Glenda Ioder is a resident of Victor, Montana, and her minor child, Gregory Ioder, attends Victor Public Schools. Randall S. and Virginia B. Ogle are residents of Kalispell, Montana, and their minor child, Dawn N. Ogle, attends Kalispell Public Schools. Gregory C. Middag and Cynthia Jeanne Middag are residents of rural Troy, Montana, and have twin daughters, Tansey Rose Middag and Murika Jeanne Middag, age 5, who would have attended kindergarten this year except that the rural school district in which they live cannot afford to have a

1 kindergarten.

2 2. The defendant State of Montana is a duly established
3 State within the United States of America.

4 The defendant Montana Board of Public Education is a board
5 created by Art. IX, Sec. 9, subsec. 3 of the Montana Constitu-
6 tion and by MCA Sec. 2-15-1507. The Montana Board of Public
7 Education has the duty under Montana Law to administer and order
8 the distribution of state equalization aid, MCA Sec. 20-2-121(3)
9 and 20-9-344, and has the duty to adopt standards of accredita-
10 tion and establish the accreditation status of every public
11 elementary and secondary school in Montana in accordance with
12 the provisions of MCA 20-7-101 and 20-7-102.

13 The defendant Montana Superintendent of Public Instruction
14 is an elected executive officer of the State of Montana whose
15 position is established by the Montana Constitution, Article IV
16 Section 3 and whose duties are set by law, generally by Title 20,
17 Chapter 3, Part 1 of the Montana Code Annotated. The Montana
18 Superintendent of Public Instruction generally supervises
19 public school budgeting procedures prescribed by law, establishes
20 a system of communications for calculating joint school district
21 revenues, generally supervises the public schools financial
22 administration, administers the average number belonging (ANB)
23 calculations of the State's public schools, distributes State
24 equalization aid in support of the foundation program, estimates
25 the state-wide equalization level for the foundation program,
26 recommends standards of accreditation for all public schools to
27 the Board of Public Education and otherwise has the general duty
28 of supervision of the public schools and districts of the State.

29 3. All of the corporate and individual plaintiffs are
30 adversely affected by the actions of the defendants below
31 complained of which constitute a general failure of the State of
32 Montana to finance public elementary and secondary education in

1 an adequate and equitable manner. Additionally, the individual
2 plaintiffs are adversely affected because as property owners and
3 taxpayers, they are compelled to pay inordinately high taxes for
4 the support of the public schools.

5 4. The defendant Montana Board of Public Education, based
6 on the recommendation of the Superintendent of Public Instruc-
7 tion, promulgates accreditation standards for the public elemen-
8 tary and secondary schools of Montana which must be met by these
9 public schools. Each year the Office of Public Instruction
10 reviews the operations of each public school in Montana to
11 determine each school's compliance with the standards of accredi-
12 tation and recommends the accreditation status of every school to
13 the defendant Montana Board of Public Education which then
14 establishes the final accreditation status of each public school
15 in the state.

16 5. The Defendant Montana Board of Public Education defines
17 and specifies the basic instructional program for pupils in
18 public schools, which program is set forth in the standards of
19 accreditation.

20 6. With minor exceptions not here pertinent, attendance in
21 schools for instruction in the program prescribed by the
22 defendant Montana Board of Public Education is compulsory in
23 Montana for children from age 7 until completion of the eighth
24 grade or age 16, whichever occurs later.

25 7. The public elementary and secondary schools in Montana
26 are financed primarily through property taxes. Such property
27 taxes are raised through three types of levies, the state-
28 mandated county-wide levy, the permissive levy, and the voted
29 levy.

30 8. The county-wide levy is a property tax which all
31 counties must, by state law, levy at the level of 45 mills--28
32 mills for elementary schools and 17 mills for high schools.

1 9. The permissive levy is a levy of up to 10 mills, 6
2 mills for elementary districts and 4 mills for high school
3 districts, which school boards are allowed by state law to
4 levy without a vote of the electors of the district, subject to
5 the limitation below described in Paragraph 12.

6 10. The voted levy is a levy, unlimited by state law, which
7 may be imposed in each school district for the support of the
8 public elementary and secondary schools but which may only be
9 imposed upon a favorable vote of the registered electors of the
10 district.

11 11. In addition to property tax revenues through the state-
12 mandated county-wide and local property tax levies above set
13 forth, MCA Section 20-9-343 provides that certain state monies
14 shall be paid into the state special revenue fund for state
15 equalization aid, and that the legislature may also appropriate
16 additional monies for that fund.

17 12. There are additional sources of revenue which are used
18 to support the public schools in Montana, including but
19 limited to, various types of federal aid including Taylor Grazing
20 Act funds and federal flood control funds, money paid into the
21 county treasury as a result of fines for violation of law and
22 motor vehicle fees.

23 13. In general, the State of Montana operates its public
24 school funding system as follows: First, the Montana Legisla-
25 tive Assembly sets "maximum general fund budget without a vote
26 schedules (hereinafter referred to as "maximum budget schedules")
27 for public elementary and secondary schools. The "maximum budget
28 schedule" is calculated according to a formula generally based on
29 the number of students, referred to as "average number belonging
30 (ANB)". The maximum budget schedule is a figure which cannot be
31 exceeded except by submitting an additional mill levy funding
32 proposal to a vote of the electors of the district. Montana law

1 provides that eighty percent of the state-wide totals of th
2 maximum budget schedules for all of the public school district
3 shall be raised through the state-mandated county-wide property
4 tax levy of 45 mills. This eighty percent level is otherwise
5 referred to as the foundation program. The imposition of the
6 state-mandated county-wide levy of 45 mills in the various
7 counties results in the raising of various amounts of revenue,
8 depending on the taxable valuation of the respective counties.
9 Once this money is raised within a county it is distributed among
10 the various school districts within that county on an equalizing
11 basis up to a level of 80% of the maximum budget schedules if
12 there are sufficient funds. These are referred to as county
13 equalization funds and they generally work to equalize property
14 tax disparities among the various districts in a county. If the
15 county is a wealthy one, it will raise more through the 45 mill
16 levy than 80% of its maximum budget schedule. The surplus then
17 goes to the State for distribution to less wealthy districts as
18 part of the State's equalization program and is referred to as
19 state equalization aid. If a county is not a wealthy one, the
20 imposition of the 45 mill levy will not raise enough funds to
21 reach the 80% of maximum budget schedules and the school
22 districts within such counties will accordingly receive equaliza-
23 tion funds from the State.

24 14. The remaining 20% of the maximum budget schedule is
25 supposed to be derived through the imposition of a permissive
26 levy by each school district. Montana law allows school boards
27 of the various districts to impose additional levies totalling 10
28 mills (6 mills for elementary schools and 4 mills for high
29 schools) without submitting such levies to a vote of the
30 registered voters. The imposition of a permissive levy cannot by
31 law result, however, in the raising of revenue which would exceed
32 the 100% maximum budget schedule. Accordingly, a district is not

1 permitted to levy the full permissive levy of 6 mills for
2 elementary schools and 4 mills for secondary schools if its
3 taxable valuation is large enough so that the imposition of less
4 than the permitted 6 and 4 mills would raise the full 100%
5 necessary to reach the 100% maximum budget schedule. A less
6 wealthy district, on the other hand, may impose the full permissive
7 levies of 6 and 4 mills and still fall short of raising
8 the full 20% contemplated by the permissive levy, that is,
9 fall short of reaching the 100% of maximum budget schedule
10 by the Legislature. In such cases, the Office of Public Instruction
11 of the State of Montana will provide a subsidy from equalization
12 funds to make up the deficiency. Whether or not funds for
13 such subsidy will be available, however, depends upon funds made
14 available by the Legislature. Prior to 1981, there was a
15 statutory requirement that the full deficiency be funded for each
16 district. However, that law was amended in 1981 to eliminate
17 this requirement so that the Superintendent of Public Instruction
18 may, in the event of a deficiency, request of the Legislature
19 supplemental appropriation to make up the deficiency. Whether
20 the less wealthy districts may reach the 100% funding level for
21 the maximum budget schedule without a vote is dependent upon
22 whether the Montana Legislature has provided the revenues. The
23 result is that low wealth districts are virtually required to
24 levy a total of 55 mills and still are not assured of reaching
25 the maximum budget schedule established by the legislature. The
26 richer counties, on the other hand, are able to reach the maximum
27 budget schedule level without the necessity of imposing the
28 entire 55 mills.

29 15. In addition to the state-mandated county-wide levy and
30 the permissive levy, the trustees of the various school districts
31 in Montana are allowed by law to submit additional proposed
32 levies to the voters which are called voted levies. These voted

1 levies, if passed, are essentially financed by a district-wide
2 property tax. Such funds may be used for building or altering or
3 repairing school houses, furnishing additional school facilities,
4 acquisition of land, or for proper maintenance and operation of
5 the school programs of the district.

6 16. The maximum budget schedule figure set by the state
7 to be funded by the state-mandated county-wide levy plus legisla-
8 tive appropriations for state equalization aid plus the permis-
9 sive levy has historically been substantially inadequate to
10 finance a free quality education and has historically been
11 substantially less than needed to fund public elementary and
12 secondary education at the levels required by the State of
13 Montana for school accreditation. As a consequence, most school
14 districts in Montana, including the plaintiff districts, have
15 been compelled to supplement their revenues through the imposi-
16 tion of voted levies. The general trend in recent years has
17 been that of increasing reliance on the voted levies as a means
18 of supplementing revenues to operate the public elementary and
19 secondary schools with the result that the percentage of voted
20 levy revenues as a percentage of total operating funds for
21 public schools has generally increased in Montana over the past
22 ten years.

23 17. There are various operating costs incurred by the
24 public school districts in Montana which are necessary to the
25 operation of the schools but which are not funded through the
26 funding scheme described in the above paragraphs. These include,
27 but are not necessarily limited to, debt service, adult education
28 programs, school food services, transportation, and teachers
29 retirement. The State of Montana Foundation Program originally
30 contemplated that these functions would be included within it and
31 therefore funded by the State of Montana through its equalization
32 program. From the inception of the foundation program, however,

1 the Montana Legislature has throughout the years taken these
2 items out of the foundation program and made them largely the
3 responsibility of local taxpayers. While some of these programs
4 are funded in part by state monies, they are largely funded
5 by local property taxes and, in recent years, have become
6 increasingly dependent upon local property taxes. In addition,
7 the construction and modification of school facilities is based
8 entirely on local property taxes. Such substantial dependence on
9 local property taxes for the funding of these necessary functions
10 further exacerbates the problems below complained of which result
11 from wealth disparity among the public school districts and
12 further serves to magnify the inequalities among the various
13 public school districts in amount of money spent per child and
14 tax effort required of property owner-taxpayers.

15 18. There is a substantial variation in taxable valuation
16 among the various counties and among the various elementary and
17 secondary school districts of the state of Montana. The magni-
18 tude of that variation is greater than 50 to 1 in tax
19 valuation per student; that is, the wealthiest district in
20 Montana has over 50 times the taxable valuation per student than
21 does the poorest school district. The result is that there is a
22 substantial inequality among the school districts in Montana
23 with respect to their abilities to fund public education.
24 Moreover, the less wealthy districts in the state of Montana lack
25 the capability of adequately financing their public schools
26 without substantial financial aid from the State.

27 19. While the State of Montana subsidizes the low wealth
28 public elementary and secondary school districts in various ways
29 and while it mitigates the financial inequities to some extent
30 through the equalization system implicit in the above-described
31 financing system, such efforts are inadequate to redress the
32 inequities and they fall short of guaranteeing equality of

1 educational opportunity and of providing a free system of
2 quality education to all students.

3 20. The figures for the State of Montana's contribution to
4 the financing of the public elementary and secondary schools for
5 the upcoming biennium are not yet available but it presently
6 appears that such contribution will again be severely deficient
7 and will confirm the trend of forced reliance on local voted
8 levies to an increasing extent for the financing of public
9 schools. Plaintiffs seek leave to amend this complaint when
10 these figures are finally available.

11 21. Because of the low taxable valuation per student in the
12 low wealth school districts in Montana, such districts have been
13 compelled to implement, through voted levies, high tax millage
14 levels in order to support their schools. Such tax levels in the
15 low wealth districts tend to be significantly higher than in the
16 wealthier districts, with the result that individual property
17 owners in these districts pay substantially higher taxes than do
18 property owners in high wealth districts. Even with a substan-
19 tial tax effort made by the property owner-taxpayers of many low
20 wealth school districts, including plaintiff districts, such
21 districts are unable to finance their schools at adequate levels
22 and there is a resulting substantial disparity among the school
23 districts in the amount of money spent per student for public
24 education with disparities being as large as 6 to 1 and more
25 commonly 4 to 1 between wealthy and less wealthy school districts
26 in amount of money expended per student from the districts'
27 general fund.

28 22. Plaintiffs have no adequate remedy at law and the
29 injuries suffered are irreparable.

30 //

31 //

32 //

COUNT ONE

23. Plaintiffs incorporate the allegations set forth in paragraphs 1 through 22 as well as the allegations in paragraphs 25 through 26.

24. The funding system of the State of Montana for public elementary and secondary education as described in this Complaint and as implemented by the defendants invidiously discriminates against the plaintiffs because it makes the quality of a child's education a function of the wealth of the school district because there is a great disparity in the wealth of the various school districts of the state and because some individual taxpayers must pay substantially more for the support of public education than do other individual taxpayers. As a consequence such system denies the plaintiffs the equal protection of the laws in violation of Article II, Section 4 of the Montana Constitution. As a further consequence the plaintiffs are denied equality of educational opportunity as guaranteed them by Article X, Section 1, of the Montana Constitution.

COUNT TWO

25. Plaintiffs incorporate the allegations set forth in Paragraphs 1 through 24 of this Complaint into Count Two.

26. The funding system of the State of Montana as described in this Complaint and as implemented by the defendants is in violation of Article X, Section 3 of the Montana Constitution which mandates that the Legislature provide a basic system of free, quality public elementary and secondary schools and that it fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary education.

WHEREFORE, plaintiffs pray for relief from the Court as follows:

1 1. That the Court enter a declaratory judgment pursuant to
2 the Montana Declaratory Judgments Act, declaring that the
3 present level of funding and the present system of funding
4 Montana's public elementary and secondary schools are unconstitu-
5 tional;

6 2. That the Court enter such injunctive relief or other
7 relief as appropriate under the circumstances to effectuate the
8 declaratory judgment;

9 3. That the Court grant such other and further relief as
10 to it appears to be just; and

11 4. That the Court award plaintiffs their costs of suit.

12 DATED this 17th day of April, 1985.

13 GOETZ, MADDEN & DUNN, P.C.
14 Attorneys at Law
15 35 North Grand
16 Bozeman, Montana 59715
17 Telephone: 587-0618

18 By: James H. Goetz
19 James H. Goetz
20 Attorney for Plaintiffs
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VISITOR'S REGISTER

HOUSE EDUCATION COMMITTEE
HOUSE
BILL JOINT RESOLUTION 62-Education Standards DATE 4-19-85
~~SENATE JOINT RESOLUTION 39 - Timothy Sullivan~~
SPONSOR Rep. Tom Hannah
Senator Jack Hailey

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

HOUSE EDUCATION SUBCOMMITTEE

APPOINTED TO STUDY HOUSE BILLS 18 & 71

MEMBERS: Ted Schye, Chairman

Ray Brandewie

Ralph Eudaily

Joe Hammond

Tom Hannah

Mel Williams

SECRETARY: Corrinne Reneau-Fay

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

January 25, 1985

The subcommittee appointed to study House Bills 18 and 71 met on Friday, January 25, 1985.

Chairman Schye called the meeting to order at 4:20 p.m. in Room 312-3 of the State Capitol. Representatives Brandewie, Eudaily, Hammond and Wilson were present. Rep. Hannah was not present. Rep. Donaldson's aide, Mary Hickey was also introduced.

Exhibit 1 containing technical amendments to bring H.B. 18 in line with the Carl Perkins Act was given to the committee. The amendments were approved with a motion by Rep. Hammond, second by Rep. Eudaily and unanimous approval. It was noted that the Legislative Researcher will add these amendments to the bill.

Two sheets of suggested amendments were distributed to the committee. See Exhibits 2 and 3 which were compiled by the Montana University System and Helena Vocational-Technical Center faculty.

Speaking for the University System, Carroll Krause explained that the amendments they called for separated the responsibilities and defined what it meant to be the "sole state agency". They felt the language implied that the board of vocational-technical education had authority over the board of regents. They wanted to designate that they were responsible for the centers but do not control the college board. Mr. Krause said that Rep. Donaldson indicated he was in agreement with the suggested amendments. Also Mr. Krause pointed out that the board would no longer be responsible for the certification of faculty but would go through the Office of Public Instruction.

Rep. Eudaily asked if the 1984 Federal vo-tech act includes secondary vo-tech, Mr. Krause answered in the affirmative but it would be important for the board to decide how much is going to elementary and how much is going to secondary, but for Federal purposes, there is only one agency in the state. It was agreed that the Office of Public Instruction will be responsible for the board and oversee the Federal formula.

Mr. William Lannan spoke of writing to Rep. Donaldson in regard to Page 42, Section 28 which said that the State would dictate the budget catagories and all construction would be done through the Department of Administration and felt no need for this section.

The committee spoke of transfer of ownership of the present buildings. The State has a considerable amount of money invested in the present buildings but it has to assume the district's share. If they are not going to own the buildings, but instead lease them, the State would not do any construction. The community colleges are different as they have established budget categories according to the National Association of Business Officers. It was pointed out by Rep. Eudaily that in this Section 28 being considered for deletion, is that it is clear that postsecondary vocational-technical education is going to come under the jurisdiction of the board, where else does it say that they have the right to improve programs? Mr. Lannan explained that it was contained under the powers and duties of the board in Section 4.

It was talked of having business and industry represented on a statewide advisory committee rather than having a governing board at each center. It is no longer a Federal mandate to have such an advisory board. The amendment would remove the local school district board's responsibility.

There was discussion of changing the name from vocational-technical centers to vocational-technical institutes. This would indicate a post-secondary environment. They are now considered a post-secondary education unit as at age 16 or older with or without graduation it would be such.

Chairman Schye pointed out that Exhibit 4 answers questions regarding enrollment which comes from in and out-of-county students. This seemed to be a concern of the main Committee. It was noted that in Lewis and Clark County, 62% are from within county lines, 37% from other counties and 1% is from out-of-state. The total enrollment is 1,210.

Paul Justice from the Helena Vo-Tech Center spoke of having two main concerns being, 1) that during the transition the teachers would not lose their vested rights. The center employee would have to collectively bargain with the local district if the wording in the bill were not changed. After the bill goes into effect, they would not be district employees. A collective bargaining agent would have to be formed. The contracts with Helena Education Association run through June 30 and there is a time problem. Rep. Eudaily pointed out that if the contracts were negotiated this year they would be good until 1987. Mr. Justice showed concern for losing the paid life insurance package as the company may not recognize them as district employees any longer. There was a suggestion of making the bill effective July 1st.

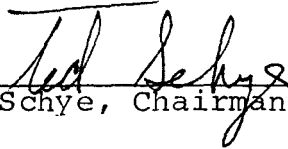
The second concern was that employees may lose accumulated sick leave days as it is worded on Page 8, line 5 of the bill. Chairman Schye asked whether the school district could pay for 1/4 of the accumulated days and it was pointed out that it was not payment for the days that was important, but credit for all the days that were earned.

EDUCATION & CULTURAL RESOURCE SUBCOMMITTEE

January 25, 1985

Page 3

The subcommittee adjourned at 5:15 p.m. with the agreement that they would meet again on Monday, January 28th after the regular committee meeting.



Ted Schye, Chairman

crf

EXHIBIT 1
H.B. 18
SUB-COMMITTEE
1-25-85

AMENDMENTS TO HB 18, INTRODUCED COPY

1. Page 2, line 10.

Following: "under the"

Strike: "1963"

Insert: "1984"

2. Page 2, line 15.

Following: "of the"

Strike: "1963"

Insert: "1984"

3. Page 7, line 3.

Following: "person"

Insert: ", except temporary employees,"

4. Page 8, line 2.

Following: " / section 6 / "

Insert: ", except that they must be negotiated if state or federal
law requires them to be negotiated"

Changes in House Bill 18
Montana University System

EXHIBIT 2
H.B. 18
SUB-COMMITTEE
1-25-85

Pages

3	Line 8	Insert after <u>education</u> "offerd by the centers"
3	Line 25	Delete "certification of"
5	Line 5	Delete "higher" Insert after <u>of</u> "Post-Secondary"
5	Line 6	Delete "to implement the transfer of course credits"
5	Line 6	Insert before <u>between</u> "for articulation"
36	Line 8	Insert a period after <u>program</u> Delete after <u>program</u> "that complies with the postsecondary"
36	Line 9	Delete "vocational-technical education standards adopted by the"
36	Line 10	Delete "board of postsecondary vocational-technical education."
36	Line 12	Insert a period after <u>financing</u> Insert after <u>financing</u> . "Under the 1963 Vocational Education Act, as amended through July 1, 1985,"
37	Line 3	Delete "governing board of any unit of the Montana university system"
37	Line 3	Insert "Board of Regents" (beginning of line)
42	Line 6	Insert after <u>education</u> "centers."
42	Line 19	Insert after <u>education</u> "center"
45	Line 2	Delete after <u>programs</u> the word "chosen"
45	Line 2	Insert after <u>programs</u> "recommended"
53	Line 6	Delete after <u>the</u> "board of postsecondary"
53	Line 6	Insert after <u>the</u> "Board of Regents"
53	Line 7	Delete "vocational-technical education" (beginning)

William J. Lannan's changes

42-43 Delete Section 20-7-323. This is section 28

William J. Lannan's changes continued:

Page

- 5 Section 4 New addition : (p) "have general control and supervision of the vocational technical education center"; and
- 5 Section 4 New addition : (q) "adopt rules, not inconsistent with the constitution and the laws of the state which are proper and necessary for the execution of the powers and duties conferred upon it by law."
-

- 43 Lines 3-7 No changes indicated on bill. A note that states "Long-Range Building Plan." This is part of section 28 which has been deleted by request.

Recommended Amendments to HB-18
Helena Vocational-Technical Center Faculty

EXHIBIT 3
H.B. 18
SUB-COMMITTEE
1-25-85

Page

- 2 Section 3 : Line 21 : After boards.; omit all of Section 3 going on to page 3.
- 2 Section 3 : Line 21 : After boards.; insert : "Every postsecondary vocational-technical center will have a general advisory committee consisting of business industry persons representing each program area offered within their respective centers."
- 5 Section 4 : Add after line 11 : "negotiate with the recognized bargaining agents of the centers personnel regarding compensation, benefits and working conditions."
- 6 Line 22 : delete the comma after education. : Insert a period after education.
- 6 Line 22 : After education. delete which may include collective
- 6 Line 23 : Delete bargaining. Different employment processes may be used for
- 6 Line 24 : Delete different levels or types of personnel.
- 6 Line 22 : After education. Insert "The Board of Postsecondary Vocational-Technical Education will through the collective bargaining process with the appropriate bargaining agents, develop salary and benefit packages for center personnel."
- 7 Line 1 : Delete after [section 6], each vocational-technical
- 7 Line 2 : Delete center must, through the collective bargaining process,
- 7 Line 3 : Delete contract
- 7 Line 1 : Insert after [section 6], "the Board of Postsecondary"

Recommended Amendments to HB-18
continued

Helena Vocational-Technical Center Faculty

Page

- 7 Line 2 : Insert "Vocational-Technical Education shall purchase in its entirety and assume all rights, duties, and liabilities under the negotiated contract"
- 7 Line 4 : Delete under a collectively (After the year 1985,)
- 7 Line 5 : Delete bargained contract with the school district in which the
- 7 Line 6 : Delete center is located.
- 7 Line 4 : Insert after 1985, "from the local district in which the center is located, for a period of two years following July 1, 1985. The Board of Postsecondary Vocational-Technical Education shall provide that if part of the purchased contract is for benefits provided by a third party who will not let the state board take over from the local district then the state board shall provide equal benefits elsewhere."
- 7 Line 7-10 : Delete (2) If a person is employed by a center in any capacity on July 1, 1985, under a collectively bargained contract with the school district in which the center is located, then, during the 2 years following July 1, 1985:
- 7 Line 11-13 : Delete (a) Lines 15-20 : Delete (b)
- 7 Lines 21-25 : Becomes (2)
- 8 Lines 1-2 : Becomes (2)
- 8 Line 2 : Delete after set : as provided in [section 6].
- 8 Line 2 : Insert after set "in accordance with the negotiated agreement of the school district in which the center is located throughout the two years."

Recommended Amendments to HB-18
continued

Helena Vocational-Technical Center Faculty

Page

- 8 Lines 3-9 : Becomes (3)
- 8 Line 5 : Delete after leave, : the school district in which the
- 8 Lines 6-9 : Delete center is located shall reimburse the center for
the cost of paying him his salary for each day and portion thereof
following July 1, 1985, during which he does not work because he is
using such accumulated leave time.
- 8 Line 5 : Insert after leave, : "such leave shall be transferred
fully to their credit as center employees regardless of their
length of employment in the school district in which the center is
located."
- 8 Between Line 9 and 10 Add: (a) : "the State of Montana acting through
the Board of Postsecondary Vocational-Technical Education shall negotiate
the assumption of accumulated leave liability with the school dis-
trict in which the center is located."

Also recommend that language be initiated in the bill to change the
name of the schools from vocational-technical center to vocational-
technical institutes.

EXHIBIT 4
H.B. 18
SUB-COMMITTEE
1-25-85

FY 1984 STUDENT ENROLLMENT

	Estimated FT	PT
Billings Vo-Tech Center - Total Enrollment: 749	669	80
Yellowstone County - 57%	49%	73%
Other Counties - 41%	49%	27%
Out-of-state - 2%	2%	-
Butte Vo-Tech Center - Total Enrollment: 519	489	30
Silver Bow County - 73%	68%	100%
Other Counties - 27%	32%	-
Great Falls Vo-Tech Center - Total Enrollment: 1,076	717	359
Cascade County - 71%	65%	90%
Other Counties - 29%	35%	10%
Helena Vo-Tech Center - Total Enrollment: 1,210	730	480
Lewis & Clark County - 62%	32%	85%
Other Counties - 37%	67%	15%
Out-of-state - 1%	1%	-
Missoula Vo-Tech Center - Total Enrollment: 870	820	50
Missoula County - 60%	60%	98%
Other Counties - 38%	38%	2%
Out-of-state - 2%	2%	-

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

January 28, 1985

The subcommittee appointed to study House Bills 18 and 71 met on Monday, January 28th in Room 312-3 of the State Capitol.

Chairman Schye called the meeting to order at 4:45 p.m. All six members of the subcommittee were present.

The committee talked of an amendment addressing the time limit for implementation of H.B. 18. Chairman Schye relayed that he had spoken to the bill sponsor, Rep. Donaldson, and had found agreement not only with him, but other concerned parties and decided that a one year transition rather than two would be of greater benefit. He said he received a call from the Great Falls faculty and knows that the Helena faculty would offer support for this.

Rep. Brandewie motioned that an amendment be offered which would put the bill into effect July 1, 1986.

He asked the researcher to word the amendment so the board would be in position immediately and yet the funding would not take place for one more year.

It was noted that most school districts have two year contracts but salaries are opened for talks each year. With the new board in place negotiations can start until the bill is implemented.

A voice vote on the motion showed unanimous Committee approval.

Representative Hannah voice concern of the funding issues with this bill and felt that the subcommittee should address those issues as a number one priority. Rep. Brandewie spoke of the economic advantage of having a vo-tech center in the community and perhaps the levy on the local area should be greater, with lesser on the statewide. It was noted that the University System carries a statewide 6 mill levy and certainly a university adds economic advantages in an area. J.D. Lynch's Senate Bill #172 calls for a 2 mill statewide levy, 10% local financial input and local district responsibility. It was reiterated that the 1/2 mill also brings in programs and economic development by the county commissioners.

Representative Sands H.B. #71, if passed, would eliminate the need for one levy on this bill.

Hannah moved that it be presented to the regular committee of the bill including a 2 mill statewide levy. Rep. Williams seconded the motion and a voice vote carried unanimously.

EDUCATION AND CULTURAL RESOURCES SUBCOMMITTEE

January 28, 1985

Page 2

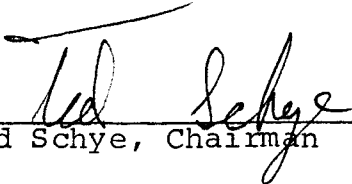
A motion was made by Rep. Eudaily to omit subsection (c) down to subsection (d) on Page 44. The motion was seconded by Rep. Hannah and passed with unanimous voice vote.

Rep. Brandewie suggested that if they were trying to interest industry into the area, the county commissioners could levy 1/2 mill so vo-tech could train students specifically for that industry.

Rep. Eudaily asked if there were a problem in fund matching referring to Page 45, lines 4 through 6. Under the Jobs Training Partnership Act, the county commissioners would have access to monies for economic development. The center could go to the local board, then, ask for additional funds and the possibility of matching those funds.

There being no further business, Chairman Schye asked the subcommittee to meet again on Wednesday, January 30th at 3:00 p.m.

The meeting adjourned at 5:25 p.m.



Ted Schye, Chairman

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

January 30, 1985

The meeting of the Education Subcommittee appointed to study H.B.'s 18 and 71 was called to order by Chairman Schye in Room 312-3 of the State Capitol. All six members of the committee were present. There was visitors from the University System, Montana Education Association, Office of Public Instruction and Helena Area Vo-Tech. Rep. Donaldson's aide, Mary Hickey, was also present.

The Legislative Researcher gave to the committee copies of the bill with all proposed amendments in place. She relayed that some sections of the bill may need different effective dates and this could perhaps be reflected in a title change and statement of intent.

Gene Christiaansen, Assistant Superintendent of Vocational Education with the Office of Public Instruction said the adaptation of a new board who would be allocated to the Board of Regents would reduce the staff at the Office of Public Instruction, Department of Vocational Education Services, from eleven curriculum specialists for five and vo-tech funded salaries would be cut by 50%. The Board of Regents felt that they could do the work with the proportionate increase that the O.P.I. would lose. The Board would contract services through the O.P.I. Carol Krause, with the University Systems, distributed Exhibit 1 which describes the federal planning responsibilities in regard to a "sole state agency."

Talk centered on the lack of need for including as a mandate the local advisory board and it could be left to the local discretion. There was a motion by Rep. Hannah that section 3 be stricken and included in section 4 under the powers and duties of the board the statement that a local advisory board may be appointed. The motion carried unanimously.

There was discussion on the subject of certification requirements for staff to which it was pointed out that this bill would not call for requirements and certification deals with grades K-12. Phil Campbell from the MEA said that if certification were eliminated, tenure rights would also be. It was generally agreed that tenure would be a negotiated issue, not a statute. There was a motion by Rep. Eudaily, with a second by Rep. Brandewie to remove the words "certification of" on page 3, line 25. A voice vote showed the motion carried with two

EDUCATION AND CULTURAL RESOURCES SUBCOMMITTEE

January 30, 1985

Page 2

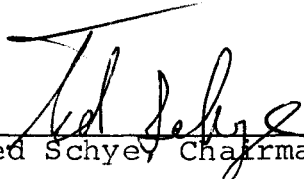
dissenting votes cast by Reps. Hammond and Schye. Phil Campbell showed concern of the time element of setting up the bargaining unit through an election by the Board of Personnel Appeals.

In reference to section 4 which gives rulemaking authority to the board it was noted than an appropriation may have to be made for start-up money to appoint a commissioner. Rep. Hannah restated the intent to get the board working with full authority and to implement section 4 of the bill. He made a motion of this intent that passed unanimously.

A motion was given by Rep. Hannah with a second by Rep. Williams in regards to section 42, Page 58, lines 20 and 21 which says "This act is effective July 1, 1986, except that section 4 is effective July 1, 1985." The motion carried unanimously.

Rep. Hannah showed a concern for the language on Page 5, subsection (p) with the idea that it be certain to include the rights of the people to negotiate. A motion was made by Rep. Hannah to include the wording "consistent with State and Federal laws governing bargaining rights and labor laws." In regard to the time it may take to set up the bargaining agents, it will be dealt with in Section 6. The motion had no further action as the suggestion was given to present to the committee amendment proposals with an equitable solution.

The next subcommittee meeting was scheduled for Friday, February 1, 1985 to be held in Room 312-3 after the regular Education Committee meeting.



Ted Schye, Chairman

crf

Outline of Vocational Education Act of 1984 - Part B

"State Organization and Planning Responsibilities"

State shall:

- designate a state board for vocational education (Sole State Agency)
- responsible for the administration/supervision of state vocational programs

Sole State Agency shall:

- coordinate the development, submission and implementation of state plan
- evaluate program, services and activities under the plan
- consult with state council on vocational education and other appropriate agencies, groups and individuals in the planning, administration and coordination of progress under the plan
- meet at least 4 times per year
- adopt procedures necessary to implement state level coordination with the state job training coordinating council (SJTCC)

Sole State Agency may delegate any of its responsibilities involving administration, operation or supervision to one or more appropriate agencies except the provision above "to adopt procedures necessary to implement state level coordination with SJTCC"

State shall:

- assign one individual in an appropriate agency to administer vocational education programs within the state, to work fulltime to assist state agency to fulfill purpose of this act by:
 - administer program of vocational education for single parents and homemakers (See Sec. 201 (f) and 201 (g).
 - gather, analyze, disseminate data on effectiveness of vocational education progress in meeting educational and employment needs of women
 - review vocational education programs for sex stereotyping and sex bias. Include in state plan programs and policies to overcome sex bias and sex stereotyping and shall
 - assess progress made
 - review action on grants/contracts and policies of sole state agency so that women's needs are addressed in the administration of plan

State shall:
(Continued)

- develop recommendations for programs of information and outreach to women concerning vocational education and employment opportunities for women
- provide technical assistance and advice to local educational agencies, postsecondary institutions and others to expand vocational opportunities for women
- assist administrators, instructors and counselors, in implementing programs and activities for access for women to vocational education (especially non-traditional programs)

Sole State Agency shall make available to PICs (Private Industry Council) under Section 102 of JTPA a list of all programs assisted under the Vocational Education Act

Sole State Agency in consultation with the State Council on Vocational Education shall establish a limited number of technical committee (advisory) to develop model curricula to address state labor market needs.

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

February 6, 1985

The meeting of the Education Subcommittee appointed to study H.B.'s 18 and 71 was called to order by Chairman Ted Schye at 5:10 p.m. in Room 312-3 of the State Capitol. Those absent from the subcommittee meeting were Representatives Eudaily, Hammond, and Wilson. Representatives from the University System, Montana Education Association, Office of Public Instruction and Helena Area Vo-Tech were present. Mary Hickey was there on behalf of Rep. Donaldson.

The subcommittee discussed the proposed addition of the new Sections 6 and 7. It was noted that on Page 7, subsection (3) the date of June 30, 1985 should be changed to June 30, 1986.

The subcommittee has addressed the issue of a bargaining agent being in place by the amendments.

Rep. Eudaily pointed out in Section 7, Page 7, subsection (4) that an insert after "accumulated leave liability" should be "prior to June 30, 1986."

Rep. Eudaily moved, seconded by Rep. Schye that on Page 3, line 8, the insert "offered by the centers" should be included. All were in favor.

There was a motion by Rep. Brandewie that the wording be changed all through the bill from "vocational-technical centers" to "vocational-technical institutes."


Discussion centered around the length of contracts and the dates for renewal. It was generally agreed that the academic year should be used when addressing contract language in the bill.

It was recommended that Section 6 be included in the date exceptions listed in the title of the bill.

A move was made by Rep. Schye that the new sections 6 and 7 be adopted which passed by unanimous approval.

Andrea Merrill will put together a grey bill by Friday. Chairman Schye relayed that he would like to get the recommendations to the main committee by Monday.

The meeting adjourned at 6:00 p.m.


Ted Schye, Chairman

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

February 8, 1985

The subcommittee appointed to study House Bills 18 and 71 met on Friday, February 8, 1985, in Room 312-3 of the State Capitol.

Chairman Schye called the meeting to order at 5:15 p.m. Those present were Representatives Hannah, Eudaily, Brandewie, Williams, and Schye. Representation was also there for Rep. Donaldson, the University Systems, Montana Education Association, Office of Public Instruction, and Helena Area Vo-Tech.

Andrea Merrill, Legislative Researcher, presented the committee with the grey bill showing all suggested change put in place by this subcommittee.

It was recommended that Section 5 should also be included as one of the sections to become effective July 1, 1985.

On Page 7, line 2, the word "an" will be substituted for "the".

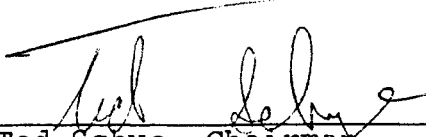
The subcommittee discussed Section 27 concerning the program and budget categories and decided that these may not be necessary as they are restrictive and would be in accordance with the laws in place in the State already. Rep. Brandewie moved that Section 27 be deleted and the motion passed unanimously.

Page 53, lines 1, 10, & 20 will be changed from the board of vocational-technical education to the board of regents.

Section 25, Page 41, line 3. The word "shall" will be stricken and "may" will be inserted.

Page 4, line 8. Andi Merrill suggested the wording "post secondary" be stricken throughout the bill to shorten the new title of the system.

The meeting adjourned at 5:45 p.m.



Ted Schye, Chairman