

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

February 8, 1985

The tenth meeting of the Senate Education and Cultural Resources Committee was called to order by the Chairman, Senator Chet Blayloc, at 1:00 p.m. in Room 402, State Capitol Building.

ROLL CALL: All committee members were present.

CONSIDERATION OF SENATE BILL 172: SENATOR LYNCH, District 34, sponsor of the bill, stated this bill changes the governance of Vocational Technical Centers by placing them under the Board of Regents. SB 172 differs from HB 18, Representative Donaldson's vo-tech governance bill, in that it retains employees as local school district employees. Senator Lynch cited such problems as insurance and school retirement investments and the added burden of increased state employees as reasons for retaining a local district employment policy. Senator Lynch noted the local districts contribution to vo-techs keeps rising until it may jeopardize k-12 funding. He pointed out Missoula Vo-Tech receives \$450,000 from their district now. The bill would limit the local district contribution to 10% of the vo-tech budget. Both the House and Senate bills would levy 2 mills statewide for support of vo-techs. SB 172 would allow for the buildings to be locally owned. Senator Lynch said if the state were to have to pick up the buildings, it would be a staggering burden for long range building.

PROPOSERS:

TERRY MINOW, Montana Federation of Teachers, supported the bill saying it does a better job of protecting vo-tech employees than does House Bill 18.

ERIC FEAVER, President, Montana Education Association, supported the bill.

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

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ALEX CAPDEVILLE, Helena Vo-Tech Director, spoke as neither a proponent or opponent. He noted local funding with a cap could result in an employee cut down the road.

JOHN DEENEY, Assistant Superintendent of Schools, Billings, pointed out there would be a large problem resulting from split funding and employees split between state and local control. He asked who would really run the center.

DISCUSSION:

SENATOR BLAYLOCK asked why a new Board had to be created and if the vo-techs couldn't be under the jurisdiction of the Board of Regents.

SENATOR LYNCH said local boards are concerned with K-12 and the Board of Regents would put vo-techs at a low priority.

SENATOR MAZUREK asked Ellen Feaver and Terry Minow if they supported HB 18.

ELLEN FEAVER, Director, Department of Administration, replied yes, with major reservations re employees. She said the Department of Administration has always supported state assumption of vo-tech governance.

TERRY MINOW, MFT, said MFT did not support HB 18. She noted the bill is getting better as it goes along, but the employee provisions concern them and they are concerned about having some local control.

SENATOR BLAYLOCK asked if the state takes over governance and funding, shouldn't it run it too?

SENATOR LYNCH replied, no, employees would be hurt.

SENATOR LYNCH closed by saying local districts don't have control now as OPI has final approval status and under the bill the Board would have control.

CONSIDERATION OF SENATE BILL 269: SENATOR BOB BROWN, District 2, sponsor of the bill, stated the purpose of the bill is to adopt the compact of the Education Commission of the States. Montana and Nevada are the only two states who do not belong and as it is the 50th anniversary of the Commission, they would like to have all fifty states in the fold.

Senator Brown said the Commission has a large professional staff and excellent resources. He and Senator Blaylock, Representatives O'Hara and Peck visited the ECS headquarters in Denver before Christmas and were quite impressed with the operation. The dues are \$73,000 for the biennium but could be cut to \$50,000 by eliminating the provision for an Education Council in Montana. One third of the rest of the states have no state council. He told the committee the ECS governing board is comprised of 7 delegates from each state: the Governor, 2 representatives, 2 senators, and 2 at large members. A Governor is always the Chairman of the ECS.

Senator Brown said the State Education Policy Seminar sponsored by ECS are very high caliber seminars conducted in state at ECS expense and deal with pertinent educational problems. He noted Commissioner Dayton, Superintendent Argenbright and the Governor all would like to join the ECS but don't have the money in their budgets for the dues.

PROPOSERS:

CHIP ERDMAN, Montana School Boards Association, supported the bill, saying their research and information is excellent. He felt membership is a good investment and would save time and money in the long run.

ERIC FEAVER, President, Montana Education Association, said membership in the ECS is vital and necessary. He said a group composed of MSBA, Senator Brown, and other interested parties - the Education Forum - meets informally now and could serve as a state council at no expense.

TERRY MINOW, Montana Federation of Teachers, supported the bill saying the ECS is an excellent service and membership could result in cost savings.

HIDDE VAN DUYM, Executive Secretary, Board of Public Education, said membership has many advantages. With problems such as equalization funding facing the state, many resources are available from ECS to assist in resolutions.

JESS LONG, Executive Secretary, School Administrators of Montana, said SAM belongs to ECS privately and has used their data and speakers many times. He testified as to the excellence of their information and urged the committee to find a way to join the Commission.

LARRY WEINBERG, Montana University System, presented his testimony in support of the bill (Exhibit #1).

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

CONSIDERATION OF SENATE BILL 289: SENATOR SMITH, District 10, sponsor of the bill, said the bill was introduced at the request of the School Administrators of Montana and would provide that any administrative rule adopted by a state agency that imposes new duties on a school district is not effective until the legislature provides a specific means of financing the new duties. He presented a letter from Don Waldron, SAM Legislative Co-Chairman (Exhibit #2).

PROPOSERS:

CHIP ERDMAN, representing the Montana School Boards Association, said the MSBA membership voted at their general convention to seek this legislation. It provides that when any agency mandates an activity the funding source must be identified. He said there are two good reasons for the bill:

- 1) state agencies that pass regulations have to know funding is available, and
- 2) the legislature reviews those things required by the Board of Public Education or other agencies.

He cited as an example the Gifted and Talented program which will have a \$40 million price tag by 1990. He noted local districts just can't get some of these things funded anymore.

HIDDE VAN DUYM, Executive Secretary, Board of Public Education, presented his testimony in support of the bill (Exhibit #3).

JESS LONG, Executive Secretary, School Administrators of Montana, said the bill provides for a degree of fiscal responsibility to be attached to mandated programs.

SENATOR STORY, Chairman, Administrative Code Committee, said his committee reviews rule making decisions and authority. He said implied authority cannot fly in the face of mandated programs and noted the Gifted and Talented program is a permissive statute.

JOHN LARSON, representing the Office of Public Instruction, expressed support for the bill.

ERNIE JEAN, Superintendent of Schools, Opheim, stated the bill is most necessary and is supported by the Board of Trustees. He said rule making by various agencies is unfair to schools and to taxpayers and should be restricted.

PHIL CAMPBELL, representing Montana Education Association, expressed concern but neither opposed or supported the legislation. He was concerned with the authority of the legislature to dictate program as this is the area of the Board of Public Education and not that of the legislature. He pointed out the past problems with the Indian Studies program as an example. He said if the bill transfers authority to mandate programs to the legislature from the Board of Public Education the MEA would oppose it.

There were no further proponents and opponents to the bill.

DISCUSSION:

SENATOR MAZUREK asked if the bill passed, does the legislature have to fund everything the Board of Public Education mandates.

SENATOR BLAYLOCK said the result would probably be that the Board of Public Education's authority would shift to the legislature.

The committee noted immunizations, gifted and talented, mandated counselors, co-equal physical activities, and changing college entrance requirements are all mandated activities but are paid for by local districts. The members of the committee were concerned that the legislature will have to pay for everything

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in education and that the possibility exists that accreditation standards could be included in the bill provisions.

Due to concern about the state having to pay for anything it or the Board of Public Education mandates a subcommittee was formed to work out clearer language. The subcommittee members are Ed Smith, Hidde Van Duym, Chip Erdman, and John Larson.

EXECUTIVE SESSION:

ACTION ON SENATE BILL 269:

SENATOR MAZUREK moved to delete section 2, page 14 and renumber subsequent subsections. The motion carried unanimously with Senator Haffey absent.

ADJOURN:

There being no further business to come before the committee, the meeting adjourned.



Senator Chet Blaylock, Chairman

jdr

DATE Feb. 8, 1985

COMMITTEE ON Education & Cultural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Ernie Jean	Ophelm Public School	289	✓	
Wade van Dym	Board Public Ed	289	✓	
James R Long	S. A. M	289	✓	
John W Turner	OPI	289	✓	
Oliver Erdmann	MSBA	289	✓	
Ed Dem	MSA	289		✓
Joan Walker	MEA	289		✓
Lo Perkins	MEA	289		✓
Carolyn Bachold	MEA	289		✓
Harvill Layman	MEA	289		✓
Lauri Casida	Mont Union System	172		
Off Diering	Bellings SD 2	172		✓
Larry Weinberg	Mont. Univ. Sys.	269	✓	
Pete Story	F. District 41	289		
Dianna Donnelly	Mont Assoc of Counties	289		
Phil Campbell	MEA	269	✓	

(Please leave prepared statement with Captain _____)

NAME LARRY WEINBERG

BILL NO. SB 269

ADDRESS 3725 HEATHER DR., HELENA

DATE 2/8/85

WHOM DO YOU REPRESENT MONT. UNIV. SYSTEM

SUPPORT ☒

OPPOSE ☐

AMEND ☐

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

It appears Montana is ^{one of} the ~~only~~ ^{only} state
not a member of the ECS, yet we
derive substantial benefits from the
organization. It is appropriate that
we join

**S
A
M**

School Administrators of Montana
501 North Sanders
Helena, MT 59601
(406) 442-2510

EXHIBIT #2
SB 289
ED & CULT. RES
FEB. 8, 1985

February 8, 1985

TO: Senate Education Committee

FROM: Don Waldron, Co-chairman
SAM Legislative Committee

RE: Senate Bill 289

Over the years educators have complained about legislatures, government agencies, and boards that mandate schools to provide programs and never give funds for these programs. After years of these types of mandates, schools have their schedules filled with costly programs. These programs may or may not have been the choice of the local district, but is at their expense.

If any mandated program is worthwhile, it justifies full funding by the mandating source.

Educators all over the state should be grateful to the 49th Legislature and the sponsors of this bill. This is one of the few cost containment measures I have seen introduced.

I am sorry the weather is such that I could not be present to personally express my support for SB 289.



Board of Public Education

February 8, 1985

BOARD MEMBERS

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

George A. Johnson
Polson

Sally Listerud
Wolf Point

Harriett C. Meloy
Helena

Arthur Schauer
Libby

Thomas A. Thompson
Browning

SB 289
33 South Last Chance Gulch
Helena, Montana 59620
(406) 449-2785

FEB. 8, 1985
Ed Argenbright
Received

Hidde Van Duym
Executive Secretary

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

When Chairman Hazelbaker touched on Senator Smith's bill during his discussion with you February 1, he expressed the Board's position on the need for greater fiscal accountability in the cost of school programs. Essentially, the Board is in the same position as the Legislators. It does not get a report on the relationship between the money spent and the educational services provided. The Board is as anxious to establish that relationship as you are, particularly at a time when state revenues are decreasing. There is great need for an assessment of the relationship between policy decisions and local district budgets.

During the Foundation Hearing in the House last February 4th, school administrators made a presentation on the cost of accreditation. After the presentation, one of the representatives asked the school administrators whether the legislature should take on the accreditation standards. The answer of the administrators was no.

While SB 289 addresses the issue of accountability, its effect may very well be to shift the governance of education from the Board to the Legislature. Almost any change in policy can be argued to have financial impact and therefore no policy change could take effect until the Legislature decides on it. You certainly have the power to bring about such a shift in governance, but you should give serious thought to whether you actually want to bring it about.

Over the past decade the Legislature has disengaged itself from getting involved in decisions over what programs should be in the schools. It left such decisions to the Board, which was constitutionally charged with the supervision of the school system. If this bill is meant to address fiscal accountability its intent is good; if its effect is to shift school program decisions to the Legislature you may be taking on a burden you don't want.

The Board requests that the Committee revise the bill to address clearly the need for fiscal accountability.

EDUCATION ADVISORY

1985

**FOR PEOPLE WHO CARE
ABOUT ELEMENTARY/
SECONDARY EDUCATION**

Rexford Brown

Education Commission of the States