

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

February 18, 1985

The fourteenth meeting of the Senate Education and Cultural Resources Committee was called to order by the Chairman, Senator Chet Blaylock, at 1:05 p.m. in Room 402, State Capitol Building.

ROLL CALL: All members were present except Senator Farrell who was excused.

CONSIDERATION OF SENATE BILL 316: SENATOR HIRSCH, District 13, sponsor of the bill, said the bill allows for changes of trustee representation on a community college board when the board annexes a new elementary district. It also provides provisions for de-annexing. He said the immediate concern is for Miles Community College and the Colstrip annexation although the provisions will apply to all three units. He said there was confusion at the time of the election about the ability to get out of an annexed district and this bill seeks to clarify the situation.

PROPONENTS:

CARL KNUTSON, Colstrip, presented his testimony in support of the bill (Exhibit #1).

JUDSON FLOWER, President, Miles Community College, said there are just technical problems that are being addressed in the bill, i.e., the need to accomodate extra trustees on the board, providing an orderly process of annexing the new area and presenting it to the voters, and dealing with specific steps for de-annexation.

JESSICA STICKNEY, Trustee, Miles Community College and representing the MCC Board, siad the Board is pleased at the planned expansion and supports this appropriate legislative for annexation.

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

DISCUSSION:

SENATOR MAZUREK suggested an amendment on page 2, line 10, which would change the language "51% of the electors of the area" to "51% of the electors voting in the election".

MR. FLOWER noted the MCC is already providing services to the Colstrip area as a Board of Regents specified Community College Educational Area. He said no new facilities would be needed as a result of the bill.

SENATOR MAZUREK asked if annexation procedures should be set by the legislature to apply to all the units.

LARRY WEINBERG, Board of Regents Counsel, said it is very difficult to find specific language to deal with all as each annexation is different.

ACTION ON SENATE BILL 316:

SENATOR MAZUREK moved to amend page 2, line 10 as per the attached standing committee report. The motion carried unanimously with Senator Farrell excused.

SENATOR BROWN moved SB 316 DO PASS AS AMENDED. The motion carried unanimously with Senator Farrell excused.

CONSIDERATION OF SENATE BILL 382:

SENATOR NEUMAN, District 21, sponsor of the bill, said the bill requires the Board of Public Education to submit any request for a legislative appropriation for state equalization aid to the budget director prior to a legislative session. It also appropriates funds to the Board for that purpose, however, being an appropriation, that section needs to be removed from the bill and introduced in the House. He said the bill is an attempt to give some accountability to the Foundation Program by having the Board of Public Education fall under the budget process. The Board would be charged with defining and budgeting for basic educational areas. Since they adopt the educational standards anyway, Senator Neuman felt they should have the responsibility of budgeting for them.

PROPONENTS:

TED HAZELBAKER, Chairman, Board of Public Education, said the Board needs to be accountable for the standards that have been set over the years. He said the makeup of the Board comprises a good forum to discuss and set guidelines, define what the state is paying for, and refine the Foundation Program budget process.

JESS LONG, Executive Secretary, School Administrators of Montana, supported the bill as a good first step towards accountability.

HIDDE VAN DUYM, Executive Secretary of the Board of Public Education, presented his written testimony in support of the bill (Exhibit #2).

PHIL CAMPBELL, Montana Education Association, quoted two conflicting areas in the codes, 20-9-344 and 20-9-346, which charge the Board of Public Education and the Superintendent of Public Instruction with the same responsibilities re the administration and distribution of state equalization aid. He noted that nowhere does the law state whose responsibility it is to submit the budget. He felt the Board should be doing it, but not independently of OPI.

OPPONENTS:

CHIP ERDMAN, Montana School Boards Association, said he rose as a "PONENT", neither in favor or opposed to the bill. He noted the accountability problems do exist with a conflict or possibly duplication of OPI functions resulting if the bill were to pass.

DON WALDRON, Superintendent, Hellgate Elementary, Missoula, said he also stood as a "ponent" and agreed with the previous testimony.

ED ARGENBRIGHT, Superintendent of Public Instruction, said he was most concerned about the Foundation Program and its funding. He feel accountability is most necessary at the federal and state level. He said his staff has all the information necessary combined with the Office of Budget and

Program Planning and the Legislative Fiscal Analyst. He questioned if it was necessary to add another layer by law to the accountability process when the Board already is filling that function.

BOB STOCKTON, Office of Public Instruction, said the Board of Public Education has always used OPI's figures and OPI makes distributions by order of the Board. He noted OPI is audited yearly, a process which takes three auditors six months every year. He noted the National Commission on School Finance developed a model bill on equalization and used the Montana foundation program as the basis for that model with the one exception being the equalization of buildings. Another group of over 100 educators, businessmen and legislators (nationwide) had Northwest Labs develop a model foundation program. The group spent over nine months and \$175,000 to determine that Montana's foundation program was the best going. It had only one fault - it wasn't funded adequately.

There were no further opponents to the bill.

DISCUSSION:

SENATOR BLAYLOCK said there never has been one certain designated body which came in and presented the foundation program bill and then followed up with the accountability. He asked Senator Neuman if this is what the bill would do.

SENATOR NEUMAN answered that is what he is trying to do with the bill - define costs and funding and provide answers as to how it is spent.

SENATOR REGAN said she viewed the bill as an attempt to remove the foundation program from the political arena.

SENATOR BROWN expressed concern that the Board might be hard put to bring in a budget that meets their requirements on policy which are very high. He felt the budget would either reflect \$50-100 million or the Board would have to diminish their standards.

MR. VAN DUYM said it would cost the Board approximately \$30,000 to provide these services. He noted budget development is the only area where there is no protocol for the flow of information and cooperation.

Senate Education and
Cultural Resources Committee
February 18, 1985
Page 5

MR. SCOTT, Superintendent, Chinook Schools, warned the paperwork that would be created if the Board of Public Education gets the responsibility would be overwhelming.

SENATOR BLAYLOCK said what we need is programmatic accountability, not budgetary accountability.

EXECUTIVE SESSION:

ACTION ON SENATE BILL 289:

SENATOR MAZUREK felt this bill does the same thing as SB 382.

SENATOR SMITH asked that a subcommittee be formed to work out amendments to subsections 1 and 5 which would suit the MSBA and the Board of Public Education.

SENATOR BLAYLOCK appointed Senator Smith, Chip Erdman, and Hidde Van Duym to work on the amendments.

ADJOURN:

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



Senator Chet Blaylock

jdr

COMMITTEE ON

EDUCATION + CULTURAL RESOURCES

DATE 2/18

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
JESSICA P. STICKNEY	MILES COMMUNITY COLL.	316	X	
Eileen A. Carlson	Miles Community College	316	X	
Gilberg	OPD	382		X
Carl Knudsen	SELF from Colstrip	316	X	
Larry Newberg	MT. Univ. System	316	X	
Judson H. Flower	Miles Community College	316	X	
Mike	MILES COMM. COLLEGE	316	X	
Tom Crosser	OBPP	382	X	
Paul Hyndman	Board Public Ed	382	X	
Walter Van Duzen	BPE	382	X	
Janet Long	SAM	382 SJR 21	X	
Bill Larson	Mont. Univ System	316	X	
Don Waldron	Hellgate Elem. Dist #4	382	X	X
Pete Scott	Chinook School System	382 382	X	
Phil Campbell	NEA	382	X	

Knudsen's Ranch and Sportswear

"Where Friends Become Family"

Carl and Terry Knudsen

1 Cherry Street

P.O. Box 147

Colstrip, Montana 59323



EXHIBIT #1
SB 316
FEB. 18, 1985
SEN EDUC
HTID GM

Phone
406/748-3509

TO: Honorable Senator Blaylock and members
of the Senate Education and Cul. Ed. Committee.

RE: Senate Bill 316

FROM: Carl Knudsen, Businessman and Taxpayer

Honorable Senators;

I would like to encourage you to support this bill. Under present law #2015-231, an area may be attached to a Community College district by a majority vote for annexation. However, the present law does not clearly provide a plan for representation, or a method of rescissions.

This bill simply addresses these issues and would require the college board to present a plan to the electors, prior to the election. This plan would provide for representation, provide a procedure by means of which the electors of the annexed area may withdraw, and require 51% of the electors in annexed area to approve a change in the plan required in subsection (2).

Thanks for your consideration and support.

Very truly,
Carl Knudsen

EXHIBIT # 1
SB 382
33 South Last Chance Gulch
Helena, Montana 59620
(406) 444-6576
Feb. 18, 1985
Sen. Education
& Coll. Aff.



Board of Public Education

Hidde Van Duym
Executive Secretary

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
- Sarah "Sally" Listerud Wolf Point
- Alan Nicholson Helena
- Arthur "Rocky" Schauer Libby
- Bill Thomas Great Falls
- Thomas A. Thompson Browning

February 18, 1985

Chairman Blaylock, members of the committee:

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

Although the Constitution calls for it, there is at present no formal process for submitting the budget for elementary and secondary education to the Legislature. There is no budget summary of current level expenditures which tells us where the money went.

Claims have been made that the the cost of the basic education program has outstripped the foundation, that any new policies impose a burden which can only be handled through additional voted levies; there is the threat of a lawsuit that if the basic education program is not fully funded, the courts will force the state to do so. But, we haven't even got the basics to address the issue, namely the figures that give us a state picture of what the money is being spent on.

This bill, Senate Bill 382, addresses that issue. It provides: (a) a submission process. The Board will follow the normal procedure that any state department has to follow when it seeks funding from the legislature. (b) a summarized schedule appropriate for the preparation of the new budget. The State Budget Director will provide the details appropriate for the preparation of this particular budget; this is necessary because this budget is somewhat different from regular agency budgets on account of the decentralized structure of education. And (c), it fulfills the intent of the law. The Constitution and the statutes ask for unified budget requests; they ask that the Board administer and order the distribution of the state equalization aid, and they assign to the Board the task of evaluating the programs in existence. What this bill does, then, is that it provides for something that is long overdue. It does not duplicate anything because nothing has been done in this area.

Finally, it provides for accountability in education, which is becoming a very urgent matter the more education is in competition with social services, which long ago started to address the issue of accountability. I hope you will give this bill very serious consideration.

STANDING COMMITTEE REPORT

February 18, 19 85

MR. PRESIDENT

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

having had under consideration **SENATE BILL** No. **316**

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color

PROVIDING PROCESS FOR RESCISSION OF ANNEXATION TO COMMUNITY COLLEGE DIST.

Respectfully report as follows: That **SENATE BILL** No. **316**

be amended as follows:

1. Page 2, line 9 and 10.

Strike: "at least 51%

Insert: a majority

2. Page 2, line 10.

Following: "area"

Insert: "voting on the question"

AND AS AMENDED

DO PASS

DO NOT PASS

Senator Chet Blaylock,

Chairman.