

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

March 23, 1987

The twenty-fifth meeting of the Senate Education and Cultural Resources Committee was called to order at 1:00 p.m. by the chairman, Senator Bob Brown, in Room 402 of the State Capitol.

ROLL CALL: All committee members were present.

CONSIDERATION OF HOUSE BILL 619: REP. GIACOMETTO, District 24, sponsor of the bill, said the bill allows trustees to invest school funds out of county if better rates can be obtained than in county. Under current law, funds can only be invested in county.

PROPOSERS: BRUCE MOERER, Montana School Boards Association, said the bill will give trustees more flexibility and allow them to maximize their interest rates by looking elsewhere.

OPPOSERS: There were no opponents to the bill.

REPRESENTATIVE GIACOMETTO closed the hearing on HB 619.

CONSIDERATION OF HOUSE BILL 356: REPRESENTATIVE HARRINGTON, District 68, sponsor of the bill, said the bill changes the notification deadlines for non-hiring of tenured teachers from April 1 to April 15 and for non-tenured teachers from April 15 to the 30th. Due to so many mill levies failing on the first try, and this year so many boards waiting to run their levy elections until Foundation Program funding is set, the later deadlines give the trustees some breathing room. In many cases, notice will not have to be given at all with the extension of time in place. He said he introduced the bill on behalf of the Montana School Boards Association and would not oppose a May 1 deadline if the committee saw fit to amend the bill.

PROPOSERS: TAMMY HALL, Bozeman School Trustee, and Legislative Chairman of the MSBA Delegate Assembly, said

the MSBA supports the bill. Without knowing what the mill levy is, they are really in a bind when they have to notify teachers. Nothing precludes them from contracting earlier than these deadlines. She indicated support for a May 1 amendment.

VAL MITCHELL, Office of Public Instruction, supported the bill with or without the May 1 amendment.

OPPONENTS: ERIC FEAVER, Montana Education Association, said he opposed the bill in the House because he felt the bill didn't do anything. He said this year is the worst for teachers because of the legislative financial problems. He asked the committee to amend the bill to reflect a May 1 deadline for both tenured and non-tenured teachers, as it will do much towards elimination of the confusion, panic, and dispair we see around the state at this time of year. He said he would support the bill with the May 1 amendment.

REPRESENTATIVE HARRINGTON closed the hearing on HB 356.

EXECUTIVE ACTION

ACTION ON HOUSE BILL 356: SENATOR BLAYLOCK moved to amend the bill by inserting May 1 as per the attached Standing Committee Report. (Exhibit 1)

SENATOR BLAYLOCK moved House Bill 356 BE CONCURRED IN AS AMENDED. The motion CARRIED unanimously.

ACTION ON HOUSE BILL 619: SENATOR MAZUREK moved House Bill 619 BE CONCURRED IN. The motion CARRIED unanimously.

ACTION ON HOUSE BILL 39: SENATOR McCALLUM, Chairman of the subcommittee, presented the proposed amendments. (Exhibit 2) He noted they had reduced the funding with the approval of Dr. Krause and Senator Regan. The amendments reflect \$1.4 million to pay for the bonding. The county 1½ mill levy would continue for two years as well as the additional local levies which each district carries. This, in effect, gives a two year transition period.

SENATOR McCALLUM moved the amendments be adopted. The motion CARRIED unanimously.

SENATOR McCALLUM moved House Bill 39 BE CONCURRED IN AS AMENDED.

SENATOR NEUMAN asked who will do the feasibility study in the interim, and how will it be funded.

DR. KRAUSE said he felt they (Board of Regents) could get the study done and would probably be using federal monies that are available for this purpose.

SENATOR REGAN directed Dr. Krause to negotiate an agreement with the Office of Public Instruction's Sex-Equity Officer.

DR. KRAUSE said that is addressed in the appropriations bill using earmarked federal funding.

SENATOR NEUMAN wanted to know if the local advisory boards travel to Helena.

DR. KRAUSE said these are the same local boards that are now in place, and their function will remain the same.

SENATOR McCALLUM'S motion that House Bill 39 BE CONCURRED IN AS AMENDED, CARRIED with Senators Smith and Pinsoneault voting no.

CONSIDERATION OF HOUSE BILL 839: REPRESENTATIVE SANDS, District 90, sponsor of the bill, said the bill is a local option alternative to create single member trustee districts. The bill is a result of the "Windy Boy" lawsuit in Hardin, where some of the members of the Indian community felt they were not adequately represented on the school board. They sued under the provisions of the federal Voting Rights Act, indicating that because they could not vote in single member districts, they were discriminated against. They won the lawsuit and it is the opinion of legal authorities that in another district the minority decision would hold also. This bill attempts to address the issue by allowing the trustees to propose a plan for single member districts which would have two main provisions: 1) it should be as compact and equal in population and area as possible; and 2) provide equitable voting rights for the members of the minority residing within the district. He reviewed the procedural aspects of the bill. He pointed out one significant change states that a trustee candidate must be a member of the district they want to represent, and be nominated by the electors of that district.

PROPOSERS: RICK BARTOS, Office of Public Instruction, said if this bill isn't passed and another district has similar problems, we will be looking at an enormous amount of money to litigate the matter. The bill provides school boards the option to avoid the court and solve the problem themselves without admitting they have violated the Voting Rights Act. Currently, the federal judge is looking at the option of whether the candidate should come from at large or from that particular district. They are expecting that opinion anyday from the judge in Los Angeles. However, the bill, as it is written, requires the person to come from the particular district, which seems the safe option at this point.

RODNEY SVEE, Superintendent of Schools, Hardin, said he supports the bill in two very important areas: 1) the judge has handed down the decision and the candidate must reside in the district and be elected by the electors in that zone; and 2) if they had had an option in Hardin, they might have saved the taxpayers \$250,000. They would also have saved the costs of a second lawsuit in which the district is trying to make their insurance pay. The \$250,000 was the district's half share; the county's half share was fairly well covered by insurance. He said the problem for school elections is that enumerator districts are set up for countywide elections and are not equitably set up for school districts. He commented that the Attorney General's office fought against defending the district. The opinion was that although it was a state law in question, the matter was a local issue.

BRUCE MOERER, Montana School Boards Association, supported the bill as it gives districts a viable option and will save taxpayers a great deal of money in lawsuits.

ERIC FEAVER, Montana Education Association, supported the bill for the previously stated reasons.

OPPOSERS: There were no opposers.

DISCUSSION BY MEMBERS OF THE COMMITTEE: SENATOR PINSONEAULT asked what was the rationale on which the Attorney General based his decision.

MR. BARTOS replied he was involved in the discussions but he did not know what rationale the Attorney General used.

SENATOR BROWN said he understood this bill is the result of the Windy Boy decision.

MR. BARTOS said that is correct.

SENATOR BROWN asked if that decision mandated single member districts in the Hardin area.

MR. BARTOS said what Windy Boy did was tell the school board to come up with a plan, the judge didn't care what it was, as long as it represents the minorities fairly.

SENATOR BROWN asked if this means minorities would have to bring suit in every school district in order to force the district to implement this sort of plan. Under this bill it is a strictly optional choice.

MR. BARTOS said if this passes, the school boards, on their own, will choose to go with the single member districts if they believe it is in the best interests of their district.

SENATOR BROWN said the bill says in the best interests of the electors of the district. That means everybody.

MR. BARTOS agreed it means everybody. The reason that language is in the bill is that we did not want a school district to be forced to make an admission that they are, in fact, violating the Voting Rights Act.

SENATOR HAMMOND said he thought Harlem did something like this on their own.

MR. MOERER said as a practical matter, on many reservations the Indians are represented on the school board.

SENATOR McCALLUM asked if someone who is just disenchanted with the board could have the district turned into single member zones.

RODNEY SVEE said they could not as there are specific voting minorities identified in the Voting Rights Act.

SENATOR MAZUREK asked what is the logical extension of the one man one vote question? Won't it have to be done statewide eventually?

MR. BARTOS said the MEA says one man one vote is what the Constitution requires, and basing it on the taxable valuation is unconstitutional. The issue here is we have a federal district court making a specific ruling on a specific school district. The attorney that represented the school district said the case wasn't appealed to the 9th Circuit Court because it would be very expensive and if it did go to the 9th Circuit Court, he feared the application would be statewide. The attempt here is to give the individual school district the opportunity to do it if they need to.

SENATOR MAZUREK wondered if this was really what we should do. If it might lead to another expensive lawsuit or become a statewide mandate, shouldn't action be taken now?

MR. BARTOS said with this bill we have a process in place that can be used by the electorate and/or the school board. The school board does have opportunity to fix the problem without going to suit under the provisions of this bill.

SENATOR MAZUREK asked if all the cases are tied to the Voting Rights Act and minority representation.

MR. BARTOS said this is the first of its kind in the northwest.

SENATOR BROWN asked what it gains in the bill to refer to "Indian minorities".

MR. BARTOS said it was to specifically address the Windy Boy case, it being the only minority group in Montana of any significant size to claim non-representation on a school board.

SENATOR REGAN asked about the Chicano population in Billings and Hutterites being classed as minorities.

BR. BARTOS said he believed Hutterites were not classified as minorities in the Voting Rights Act and he was not sure about Chicanos.

SENATOR REGAN suggested changing the bill to read just "minority".

MR. BARTOS said that goes beyond the scope of Windy Boy.

SENATOR REGAN asked the committee researcher to locate the exact language re minorities in the Voting Rights Act with regard to racial and/or ethnic minorities. The definition could be changed to "minorities" as defined by the Voting Rights Act.

SENATOR BLAYLOCK cautioned the committee about expanding the bill to include Hutterites.

SENATOR PINSONEAULT said you get into a case law question and since the case arose from an Indian status question, that should be addressed. He also asked if the board declared two seats open for the minority (Indian) representative, would all the voters in the district vote on them.

MR. SVEE said no. According to the judge's ruling the candidate must be nominated from the zone in which he lives, and be voted in by the residents of that zone. He further pointed out it does not have to be an identifiable minority to get you into court.

SENATOR NEUMAN said he still has a question about making a single member district equal in area. He said you either have one man one vote, or you don't, and he asked the committee researcher to look into it.

SENATOR MAZUREK asked if this is a situation where if someone is successful under the Voting Rights Act, the school district pays the cost.

MR. SVEE said yes, it is. He also pointed out that the language re "compactness" is one of the tests the courts must use.

There being no further discussion, Representative Sands closed.

CONSIDERATION OF HOUSE JOINT RESOLUTION 26: REP. SANDS said REP. WINSLOW, sponsor, asked him to carry the resolution in his absence. The resolution recognizes and supports the Big Sky State Games. He said the Games are held in Billings and people come from all over the United States to participate. He said it is good for both, the state and Billings.

There were no proponents and no opponents. Representative Sands closed.

ACTION ON HOUSE JOINT RESOLUTION 26: SENATOR BLAYLOCK moved HJR 26 BE CONCURRED IN. The motion CARRIED unanimously.

ACTION ON HOUSE JOINT RESOLUTION 16: SENATOR PINSONEAULT presented his proposed amendments. He said they are intended to clean up and tighten the language. (Exhibit 3)

SENATOR PINSONEAULT moved adoption of the amendments. The motion CARRIED unanimously.

SENATOR PINSONEAULT moved House Joint Resolution 16 BE CONCURRED IN AS AMENDED. The motion CARRIED unanimously.

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



SENATOR BOB BROWN, Chairman

jdr

ROLL CALL

SENATE EDUCATION AND CULTURAL RESOURCES COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 3/23/87

| NAME | PRESENT | ABSENT | EXCUSED |
|--------------------------|---------|--------|---------|
| SENATOR BOB BROWN | ✓ | | |
| SENATOR CHET BLAYLOCK | ✓ | | |
| SENATOR GEORGE McCALLUM | ✓ | | |
| SENATOR ED SMITH | ✓ | | |
| SENATOR PAT REGAN | ✓ | | |
| SENATOR JOE MAZUREK | ✓ | | |
| SENATOR BILL FARRELL | ✓ | | |
| SENATOR TED NEUMAN | ✓ | | |
| SENATOR DICK PINSONEAULT | ✓ | | |
| SENATOR SWEDE HAMMOND | | | |
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Each day attach to minutes.

STANDING COMMITTEE REPORT

SENATE EDUCATION

EXHIBIT NO. _____

March 23, 1987

DATE

BILL NO. _____

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL No. 356

third reading copy (blue)
color

**CHANGE DATE WHEN SCHOOL TRUSTEES MUST NOTIFY TEACHER OF
TERMINATION**

HARRINGTON (BLAYLOCK)

Respectfully report as follows: That HOUSE BILL No. 356

Be amended as follows:

1. Page 2, line 1.
Following: line 25 on page 1
Strike: "April" and "15"
Insert: "May 1"

2. Page 3, line 12.
Following: line 11
Strike: "April" and "30"
Insert: "May 1"

AND AS AMENDED,
BE CONCURRED IN

RR:KAS

RR:KIFAS

SENATOR BOB BROWN,

Chairman.

- Amendments to House Bill 39
• Third reading copy (blue)

1. Title, line 14.

Following: "EDUCATION;"

Insert: "APPROPRIATING MONEY FROM THE LOCAL IMPACT AND
EDUCATION TRUST FUND ACCOUNT TO THE BOARD OF REGENTS TO
HELP FUND THE VOCATIONAL-TECHNICAL CENTERS;"

2. Title.

Following: line 19

Insert: "AND"

Strike: "20-9-404, AND 20-9-405," on line 20.

3. Page 2, line 20.

Following: "a"

Insert: "deputy"

4. Page 5, line 9.

Following: "the"

Insert: "deputy"

5. Page 5, line 10.

Following: "The"

Insert: "deputy"

6. Page 42, line 18.

Strike: "AVAILABLE"

Insert: "appropriated"

7. Page 43.

Following: line 25

Insert: "NEW SECTION. Section 30. Appropriation. There is
appropriated \$1,454,690 from the local impact and
education trust fund account funded by 15-35-108(3)(b)
to the board of regents for the fiscal biennium ending
June 30, 1989, to be used to operate the
vocational-technical centers."

Renumber: subsequent sections

8. Page 43, lines 24 and 25.

Following: "20-7-323,"

Insert: "and"

Strike: "20-9-404, and 20-9-405,"

STANDING COMMITTEE REPORT

MARCH 23, 1967

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE BILL No. 619

third reading copy (blue)
color

**ALLOW SCHOOL TRUSTEES GREATER DISCRETION IN WHERE DISTRICT
MONEY IS INVESTED**

GIACOMETTO (SMITH)

Respectfully report as follows: That HOUSE BILL No. 619

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

SENATOR BOB BROWN,

Chairman.

STANDING COMMITTEE REPORT

DCR8839

.....March 23,..... 1987.....

MR. PRESIDENT

Education and Cultural Resources

We, your committee on

House Bill

39

having had under consideration..... No.....

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TRANSFERRING GOVERNANCE OF VO-TECHS TO BOARD OF REGENTS

DONALDSON (McCALLUM)

Respectfully report as follows: That.....House Bill..... No.....

BE AMENDED AS FOLLOWS:

1. Title, line 14.

Following: "EDUCATION;"

Insert: "APPROPRIATING MONEY FROM THE LOCAL IMPACT AND
EDUCATION TRUST FUND ACCOUNT TO THE BOARD OF REGENTS TO
HELP FUND THE VOCATIONAL-TECHNICAL CENTERS;"

2. Title, line 19.

Following: "20-7-326"

Insert: "AND"

3. Title, line 20.

Strike: "20-9-404, AND 20-9-405,"

4. Page 2, line 20.

Following: "s"

Insert: "deputy"

5. Page 5, line 9.

Following: "the"

Insert: "deputy"

6. Page 5, line 10.

Following: "The"

Insert: "deputy"

7. Page 42, line 18.

Strike: "AVAILABLE"

Insert: "appropriated"

DDK:RASS

DDK:MCALLUM:RASS

.....
CONTINUED

.....
Chairman.

March 23,

1987

19

6. Page 41.

Following: line 21

Insert: NEW SECTION. Section 39. Appropriation. There is appropriated \$1,454,690 from the local impact and education trust fund account funded by 15-35-108(2)(b) to the board of regents for the fiscal biennium ending June 30, 1989, to be used to operate the vocational-technical centers."

Remove: subsequent sections

7. Page 43, lines 24 and 25.

Following: "10-7-326,"

Insert: "and"

Strike: "10-9-404, and 10-9-405,"

AND AS AMENDED
BE CONCURRED IN

.....
Resolute Brown

STANDING COMMITTEE REPORT

MARCH 23, 1957

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration HOUSE JOINT RESOLUTION

No. 26

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color

JOINT RESOLUTION SUPPORTING THE BIG SKY GAMES

WINSLOW (REGAN)

Respectfully report as follows: That HOUSE JOINT RESOLUTION

No. 26

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

~~CHIEF CLERK BOB BROWN~~

SUB COMMITTEE REPORT

HOUSE JOINT RESOLUTION No. 16

S. H. T. 1987
EXHIBIT NO. 3
DATE 12/15/87
BILL NO. 207
March 21, 1987

1. Page 1, line 20: following "through", add "a subcommittee of "
2. Page 1, line 21: Delete "has"
3. Page 1, lines 21 & 22: Delete "serious and responsible attempt." Insert "diligent effort"
4. Page 1, line 22: Delete ^{THE} "concerns of this lawsuit", insert "basic education and its funding"
5. Page 1, line 23: Delete line
6. Page 1, line 24: Delete through "to", insert "and"; delete "appropriate"
7. Page 1, line 25: Delete "may resolve", insert "would address". Delete "the lawsuit", insert "this litigation"
8. Page 2, delete Lines 1 thru 3.
9. Page 2, line 6: Delete "invaluable help", insert "assistance"
Following "of the", insert "State"
10. Page 2, line 7: Following "instruction", add "attempted to". Delete "determined", insert "determine".
11. Page 2, line 8: Delete "the accreditation". Insert "these"
12. Page 2, line 11: Delete "the", insert "whether"
13. Page 2, line 12: Following "standards", delete";", insert "adequately define basic education; if so, it is ^{now} necessary to"
14. Page 4, line 7: Following "committee", delete the remainder of line 7 and all of line 8; insert "recommend to the 51st Legislature, their definition of a basic education; and, how such a basic education be equitably funded."

SENATE

EXHIBIT NO. 3

March 23, 1987

BILL NO.

MEMORANDUM

RE: House Joint Resolution No. 16

Proposed Amendments: At line 20, page 1, make the following changes:

WHEREAS, the Montana Legislature through a subcommittee of the Legislative Finance Committee made a diligent effort to address basic education and its funding, and formulate public policies that would address the issues of this litigation;

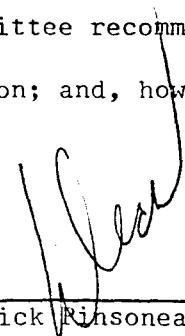
Page 2-Delete lines 1 through 3

Page 2-lines 4 through 9:

WHEREAS, during the Subcommittee study it became apparent that there is a need to review whether accreditation standards adequately define basic education; if so, it is now necessary to better articulate what performance factors are expected from the accreditation standards; receive more accurate fiscal data from the schools on the cost of implementing the standards; and provide an understandable method of coordination and articulation among the accreditation standard requirements, student performance expectations, and state funding levels; and

Page 4-lines 5 on:

(4) That the Board of Public Education and the Legislative Finance Committee and a legislative interim committee recommend to the 51st Legislature, their definition of a basic education; and, how such a basic education be equitably funded.



Senator Dick Rinsoneault

SENATE EDUCATION

EXHIBIT NO. 5

DATE 3/31/87

BILL NO. HJR 16

LC 0449/01

LC 0449/01

50th Legislature

1 HOUSE JOINT RESOLUTION NO. 16
 2 INTRODUCED BY Sen. Bob McCallister
 3 Sen. Volkerby Sen. Ross Sen. Miller
 4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT
 6 APPROPRIATE LEGISLATIVE COMMITTEES AND THE BOARD OF PUBLIC
 7 EDUCATION WORK TOGETHER TO ESTABLISH A DEFINITION OF BASIC
 8 EDUCATION FOR MONTANA PUBLIC SCHOOLS AND TO DETERMINE THE
 9 COST OF PROVIDING A BASIC EDUCATION; TO DEVELOP A FISCAL
 10 NOTE PROCEDURE THAT LINKS EDUCATION POLICIES TO THE STATE
 11 BUDGET PROCESS; AND REQUIRING A REPORT OF THE FINDINGS OF
 12 THE COORDINATED STUDY TO THE 51ST LEGISLATURE.

13
 14 WHEREAS, a number of Montana school districts have
 15 filed suit against the state on the grounds that the state
 16 has failed to meet a constitutional obligation to fund its
 17 share of a basic quality education for the public school
 18 children in the state and has therefore denied an equal
 19 educational opportunity to the children; A SUBCOMMITTEE OF
 20 WHEREAS, the Montana Legislature, through the
 21 Legislative Finance Committee, has made a serious and
 22 DILIGENT EFFORT to define basic education and its funding
 23 responsibilities to address the concerns of this lawsuit;
 24 AND
 25 in order to formulate appropriate public policies that
would address this litigation
and resolve the issues of the lawsuit;

1 WHEREAS, the Legislative Finance Committee formed a
 2 subcommittee with the objectives of defining basic education
 3 and determining the cost of basic education in Montana;
 4 WHEREAS, the Subcommittee on School Funding defined
 5 basic education as the Board of Public Education's school
 6 accreditation standards and, with the ^{ASSISTANCE} ~~investigation~~ help of the STATE
 7 Office of Public Instruction, ~~determined~~ ^{ATTEMPTED TO DETERMINE} a preliminary cost
 8 of ~~the accreditation standards~~ ^{THESE} based on available fiscal
 9 data;

10 WHEREAS, during the Subcommittee study it became
 11 apparent that there is a need to review ~~the~~ ^{WHETHER} accreditation
 12 standards ~~and~~ ^{ADQUATELY DEFINE BASIC EDUCATION, IF SO, IT'S NEW} what performance factors are ~~needed~~ ^{TO}
 13 expected from the accreditation standards; receive more
 14 accurate fiscal data from the schools on the cost of
 15 implementing the standards; and provide an understandable
 16 method of coordination and articulation among the
 17 accreditation standard requirements, student performance
 18 expectations, and state funding levels; and
 19 WHEREAS, this further analysis needs to be done with
 20 significant opportunity for participation by all groups and
 21 individuals concerned about public education and public tax
 22 dollars.

23
 24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
 25 OF REPRESENTATIVES OF THE STATE OF MONTANA:



SENATE EDUCATION

EXHIBIT NO. 3

DATE 11/16/87

BILL NO. 3/23/87

LC 0449/01

LC 0449/01

1 (1) That there should be a thorough interim study
2 regarding:

- 3 (a) the adequacy of the accreditation standards;
- 4 (b) the cost of providing services to meet the
- 5 accreditation standards;
- 6 (c) a procedure for presenting information to the
- 7 Legislature on the cost of existing and proposed
- 8 accreditation standards; and
- 9 (d) methods of funding basic education.

10 (2) That to accomplish this goal, the Legislature
11 requests that:

12 (a) the Board of Public Education administer and
13 coordinate a review of the adequacy of accreditation
14 standards, with appropriate assistance from the Office of
15 Public Instruction;

16 (b) the Legislative Finance Committee develop the cost
17 components of the existing and proposed accreditation
18 standards and evaluate the state financing method for
19 providing a basic education in the public schools; and

20 (c) a legislative interim committee be assigned to
21 monitor and evaluate the Board of Public Education's
22 accreditation standard review and to consider any student
23 performance expectations that may be linked to the
24 accreditation standards and school funding.

25 (3) That the Board of Public Education and the two

1 legislative committees coordinate their work to develop a
2 fiscal note and budgeting system that provides articulation
3 between the education policymakers and those responsible for
4 balancing the state budget.
5 (4) That the Board of Public Education and the
6 Legislative Finance Committee and a legislative interim
7 committee report the results of their coordinated study to
8 the 51st Legislature.

-End-

SENATE EDUCATION

EXHIBIT NO. 3

DATE 3/23/67

BILL NO. HCR 16

LC 0449/01

LC 0449/01

- 1 (1) That there should be a thorough interim study
- 2 regarding:
- 3 (a) the adequacy of the accreditation standards;
- 4 (b) the cost of providing services to meet the
- 5 accreditation standards;
- 6 (c) a procedure for presenting information to the
- 7 Legislature on the cost of existing and proposed
- 8 accreditation standards; and
- 9 (d) methods of funding basic education.

10 (2) That to accomplish this goal, the Legislature
 11 requests that:

- 12 (a) the Board of Public Education administer and
- 13 coordinate a review of the adequacy of accreditation
- 14 standards, with appropriate assistance from the Office of
- 15 Public Instruction;

- 16 (b) the Legislative Finance Committee develop the cost
- 17 components of the existing and proposed accreditation
- 18 standards and evaluate the state financing method for
- 19 providing a basic education in the public schools; and
- 20 (c) a legislative interim committee be assigned to
- 21 monitor and evaluate the Board of Public Education's
- 22 accreditation standard review and to consider any student
- 23 performance expectations that may be linked to the
- 24 accreditation standards and school funding.

25 (3) That the Board of Public Education and the two

- 1 legislative committees coordinate their work to develop a
- 2 fiscal note and budgeting system that provides articulation
- 3 between the education policymakers and those responsible for
- 4 balancing the state budget.
- 5 (4) That the Board of Public Education and the
- 6 Legislative Finance Committee and a legislative interim
- 7 committee ~~report the results of their coordinated study to~~
- 8 ~~the state legislature.~~ RECOMMEND TO THE STATE
 LEGISLATURE, THEIR DEFINITION OF A BASIC
 EDUCATION; AND, HOW SUCH A BASIC
 BASIC EDUCATION BE EQUITABLY FUNDED.

1 House JOINT RESOLUTION NO. 16

2 INTRODUCED BY *Frank McCallister*

3 *U. Volkening, Donalson Miller*

4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF
5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT
6 APPROPRIATE LEGISLATIVE COMMITTEES AND THE BOARD OF PUBLIC
7 EDUCATION WORK TOGETHER TO ESTABLISH A DEFINITION OF BASIC
8 EDUCATION FOR MONTANA PUBLIC SCHOOLS AND TO DETERMINE THE
9 COST OF PROVIDING A BASIC EDUCATION; TO DEVELOP A FISCAL
10 NOTE PROCEDURE THAT LINKS EDUCATION POLICIES TO THE STATE
11 BUDGET PROCESS; AND REQUIRING A REPORT OF THE FINDINGS OF
12 THE COORDINATED STUDY TO THE 51ST LEGISLATURE.

13
14 WHEREAS, a number of Montana school districts have
15 filed suit against the state on the grounds that the state
16 has failed to meet a constitutional obligation to fund its
17 share of a basic quality education for the public school
18 children in the state and has therefore denied an equal
19 educational opportunity to the children;

20 WHEREAS, the Montana Legislature, through the
21 Legislative Finance Committee, has made a serious and
22 responsible attempt to address the concerns of this lawsuit,
23 prior to court review and a decision on the merits of the
24 case, in order to formulate appropriate public policies that
25 may resolve the issues of the lawsuit;

1 WHEREAS, the Legislative Finance Committee formed a
2 subcommittee with the objectives of defining basic education
3 and determining the cost of basic education in Montana;

4 WHEREAS, the Subcommittee on School Funding defined
5 basic education as the Board of Public Education's school
6 accreditation standards and, with the invaluable help of the
7 Office of Public Instruction, determined a preliminary cost
8 of the accreditation standards based on available fiscal
9 data;

10 WHEREAS, during the Subcommittee study it became
11 apparent that there is a need to review the accreditation
12 standards; better articulate what performance factors are
13 expected from the accreditation standards; receive more
14 accurate fiscal data from the schools on the cost of
15 implementing the standards; and provide an understandable
16 method of coordination and articulation among the
17 accreditation standard requirements, student performance
18 expectations, and state funding levels; and

19 WHEREAS, this further analysis needs to be done with
20 significant opportunity for participation by all groups and
21 individuals concerned about public education and public tax
22 dollars.

23
24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE
25 OF REPRESENTATIVES OF THE STATE OF MONTANA:

STANDING COMMITTEE REPORT

March 24, 1987

MR. PRESIDENT

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

having had under consideration **HOUSE JOINT RESOLUTION** No. **16**

third reading copy (blue)
color

INTERIM STUDY ON ADEQUACY AND COST OF ACCREDITATION STANDARDS-FISCAL PROCESS

PECK (PINSONEAULT)

Respectfully report as follows: That **HOUSE JOINT RESOLUTION** No. **16**

Be amended as follows:

1. Page 1, line 20.
Following: "through"
Insert: "a subcommittee of"
2. Page 1, line 21.
Strike: "has"
3. Page 1, lines 21 and 22.
Strike: "serious and responsible attempt"
Insert: "diligent effort"
4. Page 1, line 22.
Strike: "concerns of this lawsuit,"
Insert: "definition of basic education and its funding"
5. Page 1, lines 23 and 24
Following: line 22
Strike: line 23 through "to" on line 24
Insert: "and"
Strike: "appropriate" on line 24

~~DICKINSON~~

~~DICKINSON~~

CONTINUED

Chairman.

6. Page 1, line 25.
Following: line 24
Strike: "may resolve"
Insert: "would address"
Following: "of"
Strike: "the lawsuit"
Insert: "this litigation"
7. Page 2.
Strike: lines 1 through 3
8. Page 2, line 6.
Following: first "the"
Strike: "invaluable help"
Insert: "assistance"
Following: "of the"
Insert: "State"
9. Page 2, line 7.
Following: "Instruction,"
Strike: "determined"
Insert: "attempted to determine"
10. Page 2, line 8.
Following: "of"
Strike: "the accreditation"
Insert: "these"
11. Page 2, line 11.
Following: "review"
Strike: "the"
Insert: "whether"
12. Page 2, line 12.
Following: "standards"
Strike: " ; "
Insert: "adequately define basic education; if so, it is now necessary to"
13. Page 4, lines 7 and 8.
Following: "committee" on line 7
Strike: remainder of line 7 through "Legislature" on line 8
Insert: "recommend to the 51st Legislature their definition of a basic education and how such a basic education may be equitably funded"

HJR16.txt/hm

AND AS SO AMENDED
BE CONCURRED IN

SENATOR BOB BROWN