

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on January 11, 1989,
at 2:45 p.m.

ROLL CALL

Members Present: All with the exception of:

Members Excused: Rep. Kilpatrick

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Researcher

Announcements/Discussion: None

HEARING ON HB 32

Presentation and Opening Statement by Sponsor: Rep. Fritz Daily, District 69 stated HB 32 would reduce the term of members on the Board of Regents from seven to two years and was intended to make the Montana University System better and stronger. The Board of Regents would continue to be appointed by the Governor and confirmed by the Senate. Nothing would prevent the Regents from being reappointed to successive terms however, the bill would allow the Legislature to review the Board and possibly force changes if necessary. He said the University System has a very important impact on the State of Montana with a budget of \$180,000,000 and 3,204 FTE.

Rep. Daily continued by stating the bill was proposed for two primary reasons. First, the Board of Regents has proposed admission standards for entrance into the Montana University System by requiring a 2.5 Grade Point Average or above. He said by implementing this admission standard they are denying access into the Montana University System for approximately 50% of Montana's youth. Secondly, the Board of Regents voted to close the Butte Nursing School and also cut back nursing programs in Missoula and Great Falls. Rep. Daily said this was a major mistake in view of the

nursing shortage in Montana and nationwide. He continued that we should be using and nurturing Montana's greatest natural resource, our youth.

List of Testifying Proponents and What Group They Represent:

None

List of Testifying Opponents and What Group They Represent:

Carrol Krause, Commissioner of Higher Education
Brian Harlin, Associated Students of Montana State
University (ASMSU)
Claudette Morton, Executive Secretary, Board of
Public Education
Mike Craig, Associated Students of the University
of Montana (ASUM)

Testimony:

Carrol Krause testified that reducing the term of members on the Board of Regents would not only take away a great deal of its authority but would the constant turnover would also place more authority and responsibility in the hands of the Commissioner and bureaucrats within the system. He stated the operation of such a large system takes long-term planning and continuity. In regards to admission standards, Mr. Krause stated the 2.5 Grade Point Average is but one criteria and students could also gain admission to the University System by securing a score of 18 on the ACT or ranking in the upper one-half of their graduating class. He also stated that while it was true there have been major cuts in nursing, five years ago Montana State University had 700 nursing students and today have slightly over 500. Mr. Krause concluded by saying he hoped the Board of Regents would not be penalized due to the necessity of particular program cuts that are not always popular. He said the Board of Regents receives equal criticism for not cutting enough and that the Board has tried to balance the needs of higher education with the resources of the State of Montana.

Brian Harlin, (ASMSU), (EXHIBIT 1.)

Claudette Morton stated the Board of Public Education and Board of Regents meet twice a year for the

planning of the entire educational system and a turnover of members every two years would break continuity and cause unnecessary chaos. She said a shortening of these positions would result in decision making primarily by the administration.

Mike Craig stated the Montana University System would be adversely affected by limiting the Board of Regents to two year terms and would result in a lack of continuity. He said the two year term could preoccupy the Board with politics and dilute its proper mission and role to higher education in Montana. Montana students would be better served by four or five year terms rather than the recommended two year term. To conclude, Mr. Craig stated students are caught in the middle of this feud between the Board of Regents and the Legislature and are the ones to ultimately suffer.

Questions From Committee Members: Rep. Darko asked Claudette Morton how many dollars the Board of Public Education controls and she replied the Board controls approximately \$110,000.00 per year. Rep. Darko then asked Ms. Morton if the Board's authority overlaps that of the Board of Regent's and she answered the Board of Public Education supervises and accreditates the public school system and they do have conflict from time to time. The Board of Public Education also sets standards for teacher certification and oversees teacher education programs which include administrators and specialists. Rep. Darko also asked Ms. Morton if the Regents with their mandates for curriculum, diplomas and entrance requirements have overlapped the authority of the Board of Public Education. Ms. Morton said the Board of Public Education is on record as believing this to be true.

Rep. Eudaily asked Claudette Morton if he understood her to say it was more important that the Board of Regents have a seven year term and not be subject to scrutiny by the Governor and she replied she had not said that. She stated both Boards needed to work with the Chief Executive and understand the role of the Governor in making appointments.

Closing by Sponsor: Rep. Daily closed by saying the Legislators are subject to the scrutiny of their voters every two years and so should the Regents be subject to the scrutiny of the Legislature every two years. There

are no provisions in the statutes to review their decisions or to change them at the present time and this needs to change.

DISPOSITION OF HB 32

Motion: None

Discussion: None

Amendments and Votes: None

Recommendation and Vote: Chairman Schye stated the committee would take action on HB 32 at a later date.

HEARING ON HB 20

Presentation and Opening Statement by Sponsor: Rep. Dave Brown, District 72, stated this bill would mandate kindergartens in the State of Montana and said this Legislative Session would be the best time to pass the bill while putting in a place a new funding formula for Montana. Rep. Brown said approximately 96% of Montana school districts offer kindergarten with between 400 - 500 students in mostly Class 111 schools having no access to a kindergarten program. He sees access to a kindergarten program a basic right for all Montana children irrespective of where they reside in the state. Rep. Brown also said while the vast majority of the nation is arguing if preschool should be mandated the State of Montana still does not mandate kindergarten. He concluded by adding that in many districts local school boards use the elimination of existing kindergarten programs to get bond issues passed even in light of tough times in any particular voting area.

List of Testifying Proponents and What Group They Represent:

Jack Copps, Deputy Superintendent of Schools, Office of Public Instruction (OPI)
Eric Feaver, Montana Education Association (MEA)
Kay McKenna, County Superintendent, Lewis & Clark County
Bruce Moerer, Montana School Boards Association (MSBA)
Claudette Morton, Board of Public Education
Terry Minow, Montana Federation of Teachers (MFT)

List of Testifying Opponents and What Group They Represent:

R. Stephen White, Taxpayer, Helena, Montana
Carol Mosher, Montana CattleWomen
Lorna Frank, Montana Farm Bureau Federation
Kay Norenberg, WIFE, (Women Involved in Farm Economics)
Ron De Yong, Trustee, Flathead County (Small Rural School District)

Testimony:

Jack Copps stated at the present time there are 374 operating elementary districts in the State of Montana and of that 374, 317 provide a kindergarten program or approximately 85%. Of the 57 districts who do not provide kindergarten approximately 30 do not have students of kindergarten age. The remaining districts are the very small districts. Mr. Copps stressed however, every Montana child should have equal opportunity to attend a kindergarten if desiring to do so. In closing his remarks, Mr. Copps stated denying access to kindergarten today may in fact put some children at a direct disadvantage upon entering the first grade since the kindergarten of today is teaching many basic skills in pre-reading and mathematics.

Eric Feaver stated the main issue addressed in HB 20 is equality and what is apparently good for 95% of Montana's students in terms of access must be good for 100%. He pointed out this is the major focus of the Loble decision in the underfunded school suit. Mr. Feaver also said mandatory kindergarten in Montana does not make kindergarten attendance compulsory since schooling in terms of being compulsory does not begin in Montana until the age of seven.

Kay McKenna stated kindergarten is no longer a mere social arena and Montana children deserve access to a kindergarten program. She said that considering the mobile nature of our society it is important all school districts have the opportunity available regardless of area. Ms. McKenna also said she understood there would be some fiscal impact to consider and would be interested in the fiscal note forthcoming on HB 20.

Bruce Moerer stated concern for the rural districts and stood in support of HB 20 upon the condition fully

funding the program. He added there could be disproportionate travel costs in the rural school districts.

Claudette Morton stated that upon research it is recognized students with kindergarten background do perform more positively further on in the educational system. She said the question of equality is of primary importance and there could be a measure of flexibility implemented to accommodate small rural schools.

Terry Minow stood in support pointing out the Montana Federation of Teachers has done so each Legislative Session the kindergarten bill has been introduced. She stated this was the time for passage of HB 20 now that the court has mandated equality in education.

R. Stephen White. (EXHIBIT 2.)

Carol Mosher. (EXHIBIT 3.)

Lorna Frank. (EXHIBIT 4.)

Kay Norenberg. (EXHIBIT 5.)

Ron De Yong stated the consider should consider an amendment to HB 20 allowing small and neighboring school districts to combine forces and perhaps share facilities, teachers and financial obligation.

Questions From Committee Members: Rep. Glaser asked Mr. White if he represented any particular group and Mr. White said he did not.

Rep. Eudaily asked Eric Feaver if the age for compulsory attendance should be changed in order to attain the equal opportunity of access to kindergarten. Mr. Feaver replied that he would not support lowering the age of compulsory attendance at this time. Rep. Eudaily then asked Mr. Feaver if it were cost effective to establish these programs if there are not the numbers of students attending the programs. Rep. Eudaily continued if this was the case the taxpayer is not receiving the most for his or her tax dollars. Mr. Feaver told Rep. Eudaily the numbers were not the issue, equal access is the issue.

Rep. Zook asked Claudette Morton if she could point to any studies showing academic comparison between those having gone to kindergarten and those who have not. Ms. Morton responded that there were longitudinal studies available which make for a clear case that kindergarten does make a difference. Rep. Zook then asked her if she had received any information from Custer County and she said she was familiar with a statewide study of rural versus urban schools which found there was not a significant difference between the two. She continued that particular study did not compare the kindergarten issue. Rep. Zook then asked Claudette Morton to contact the County Superintendent of Schools in Custer County and she would find the rural schools ranking four years above those in School District No. 1, the Miles City Elementary School District which does have a kindergarten program.

Rep. Thomas asked Kay McKenna if she would agree that generally most of the opponents to HB 20 testifying were from the rural areas and Ms. McKenna said she would agree.

Rep. Phillips asked Jack Copps if there were figures of comparison for Garfield County and he said there probably were and would get back to the committee.

Rep. Wallin asked Mr. Copps if trying to accommodate the approximate 1 - 1.5% with no apparent access to a kindergarten program was worthwhile and Mr. Copps replied that the Office of Public Instruction believed it to be so and that all must have equal opportunity in Montana schools.

Rep. Darko then asked Rep. Brown, sponsor of HB 20 to address the bigger danger of elimination of kindergartens in his closing remarks. Rep. Brown said he would address that issue.

Rep. Simpkins asked Jack Copps if a study had been completed to see what impact HB 20 would have on the rural school districts. Mr. Copps replied that he believed a fiscal note was in order. Chairman Schye then remarked a fiscal note was already requested and would be presented to the committee as soon as received.

Closing by Sponsor: Rep. Brown closed by stressing his great concern that the 97% kindergarten programs now in place would be eliminated. He stated this is an even greater reason to pass the legislation this session. He also remarked that kindergarten is one of the smaller priced items in any school budget. He said the main issue is equality.

DISPOSITION OF HB 20

Motion: None

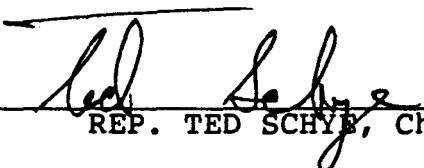
Discussion: None

Amendments and Votes: None

Recommendation and Vote: Chairman Schye stated HB 20 would be discussed further upon receipt of the fiscal note.

ADJOURNMENT

Adjournment At: 4:00 p.m.



REP. TED SCHYE, Chairman

TS/dlm

0904.MIN

DAILY ROLL CALL

EDUCATION & CULTURAL RESOURCES

COMMITTEE

DATE January 11, 1989

NAME	PRESENT	ABSENT	EXCUSED
Rep. Ted Schye, Chairman	X		
Rep. Fritz Daily, Vice-Chairman	X		
Rep. Vicki Cocchiarella	X		
Rep. Paula Darko	X		
Rep. Ervin Davis	X		
Rep. Ralph Eudaily	X		
Rep. Floyd Gervais	X		
Rep. Bill Glaser	X		
Rep. Dan Harrington	X		
Rep. John Johnson	X		
Rep. Tom Kilpatrick			X
Rep. Richard Nelson	X		
Rep. John Phillips	X		
Rep. Richard Simpkins	X		
Rep. Wilbur Spring, Jr.	X		
Rep. Barry "Spook" Stang	X		
Rep. Fred Thomas	X		
Rep. Norm Wallin	X		
Rep. Diana Wyatt	X		
Rep. Tom Zook	X		

ASSOCIATED STUDENTS MONTANA STATE UNIVERSITY • BOZEMAN, MT 59717 • (406) 994-2933

TO: Ted Schye, Chairman, and Members of the Education and
Cultural Resources Committee

FROM: Brian Harlin and Stacy Farmer, Lobbyists
Associated Students of Montana State University

RE: Testimony on House Bill 32

The Associated Students of Montana State University oppose HB 32, which would change the terms of office of members of the Board of Regents from 7 years to 2 years. We recognize the function of the Board of Regents to be a central, long-range, apolitical planning body for the University and Vocational-Technical systems. HB 32, by drastically reducing the terms of office of the Board members, would cripple the Board's ability to operate as intended in the following ways:

1. By the time that the individual members become accustomed to their roles, they are replaced and their experience is wasted. Therefore, long-term consistency and intentions of the board are minimized.
2. This bill will also cast the Board into the political arena where each Governor that is elected has the opportunity to replace and influence the entire Board.

We feel this bill will hinder the long-term quality of education for the system as a whole.

Synopsis of Testimony of R. Stephen White, Helena, MT
HB-0020 01/11/89

Mr. Chairman and Committee Members:

I am opposed to this bill.

According to the Montana Office of Public Instruction approximately 15% of the state's elementary school districts do not have a kindergarten program in place. The majority of these districts are very small with few students in the school system.

I voice opposition to this bill for the following reasons:

- (1) Since many of the school districts in the state are small, the decision to have a kindergarten or preschool program must be left in their control to determine the need. This mandatory program would be an undue hardship for these small districts.
- (2) The state is currently in a dilemma regarding financial support for its existing education system already in place. This bill would add to the problem of funding our education system. As a taxpayer, I wish to see our money spent in the most efficient way possible.
- (3) I feel that changing the current law as is written in Section 1.1, will set a precedent for future lawmakers to change subsection (2) in a similar way. I feel that both subsections should remain with the wording "MAY" not "SHALL".

In summary, let each school district make their own decisions. They have an important roll to play in the education of all grades. If they want a kindergarten, then let them decide on their own.

EXHIBIT # 3
DATE 1-11-89
HB 20

1-11-89
HB 20

For the record, my name is Carol Mosher, representing the Montana CattleWomen. We stand in opposition to mandatory kindergarten because it would place a hardship on our rural families and also the school districts. Many of our families live great distances from schools and would have to drive many miles in getting small children back and forth. In many school budgets, the transportation costs have risen considerably in recent years and is of much concern to our people and the local school boards. I have not seen a fiscal report on this bill, but we would be very interested in knowing what the costs would be to administer this new program.

We fully support kindergarten but do not feel that making it mandatory is the way to go at this time. Until we get school funding on a sound constitutional and financial basis, we should not be encouraging new programs. Thank you for your consideration.

Carol Mosher



MONTANA FARM BUREAU FEDERATION

502 South 19th • Bozeman, Montana 59715
Phone: (406) 587-3153

EXHIBIT #4
DATE 1-11-89
HB 20

BILL # HB 20; TESTIMONY BY: LORNA FRANK
DATE 1/11/89; SUPPORT _____; OPPOSE OPPOSE

Mr. Chairman, Members of the Committee:

For the record, my name is Lorna Frank, representing 3600 Montana Farm Bureau members throughout the State.

Farm Bureau opposes HB20 because the change from "may" to "shall" mandates elementary districts to establish a kindergarten program.

We feel this should not be mandated by the state, but left to the local people to decide if they want a kindergarten program in the elementary district.

Of the 374 elementary districts in the state, 317 or 84.8% have kindergarten programs, while 57 currently do not. These are the small rural schools with less than 150-200 students. Apparently, the 15.2% of the districts that do not have such programs feel there are not sufficient students to warrant the cost to the taxpayers.

We urge this committee to not pass HB 20.

SIGNED: Lorna Frank

WITNESS STATEMENT

NAME Kay Norenberg BUDGET _____

ADDRESS _____

WHOM DO YOU REPRESENT? WIFE (Women Involved In Farm Economics)SUPPORT _____ OPPOSE X AMEND _____

COMMENTS: Chairman Schye and members of the committee. My
name is Kay Norenberg, representing WIFE (Women Involved In
Farm Economics). We oppose HB 20.

This bill will make it mandatory for a school district to
provide a kindergarten program. Local control is being removed.

We feel that some districts may not be able to afford a
separate room and teacher plus supplies to have this program
initiated without increasing their mill levies.

This bill can put added strain on an already overtaxed
community and a kindergarten program may not be feasible for
the local board of trustees at the time it is ^{to be} implemented.

Until the funding for schools is settled, we believe that this
is adding another burden on the local taxpayers and the State.

We recommend you give HB 20 a do not pass.

Thank you!

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL NO. HB 32DATE January 11, 1989SPONSOR Fritz Daily

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
BRIAN HARLIN	ASMSU		X
RON DE GROOT	KANSAS		X
Claudette Worton	Board of Public Ed		✓
Carol Krause	Comm. of H. ED		✓
Quentin Rhoades	MSU admin.		✓
Stacy Farmer	ASMSU		✓
Rick Arciniegua	ASMSU		✓
Mike Craig	ASUM		✓
Krystin Desjardins	ASUM		✓

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

EDUCATION AND CULTURAL RESOURCES COMMITTEE

BILL NO. HB 20DATE January 11, 1989SPONSOR Dave Brown

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
CAROL MOSHER	Mt. Cattle Women		X
RICHARD ARCHER	ASSET		X
JOHN WHITE	Hebron		X
Lorna Frank	Tasmi Bureau		X
Kay Moberg	WIFE		X
Kay McKenna	Hebron	X	
Davidette Morton	Board of Public Ed	X	
Eric Jan	MEA	!XXX!	
Jack Capps	OPI	p	
RON DE YOUNG			✓
Dave Brown	Sponsor	✓	
B. Wood	AALIN	✓	
Bruce W. Mierer	MSBA	✓ (cond) Support cond on full funding	
Terry Minow	MFT	✓	
John Vreder	M.F.T.	✓	

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.