

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By Senator H. W. Hammond, Chairman, on
March 3, 1989, at 1:00 pm in Room 402 at the
State Capitol

ROLL CALL

Members Present: Senators: H. W. Hammond, Dennis Nathe,
Chet Blaylock, Bob Brown, R. J. "Dick" Pinsoneault,
William Farrell, Pat Regan, John Anderson Jr., and
Joe Mazurek

Members Excused: None

Members Absent: None

Staff Present: Greg Petesh, Legislative Council Attorney
and Julie Harmala, Committee Secretary

Announcements/Discussion:

None

HEARING ON HB 332

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE MARY ELLEN CONNELLY, House District #8,
sponsor of HB 332 stated that every session she has had
something for the Flathead Valley Community College.

This bill she stated is to clean up the language for the
college because they periodically review school law to see
if there are some things that will affect their operations
at the college.

She said that basically what HB 332 does is in Section 1, a
legal option is added as a means for the community colleges
to acquire property. Although Montana law presently permits
trustees to acquire facilities, the law does not allow a
community college to release them. This change would
broaden the means by which facilities could be acquired and
it also delineates the procedure which the trustees use to
sale property.

She said that the committee is aware that in Flathead Valley, a new campus is being built and there are all these old buildings and it must be figured out how to dispose of these. This bill will help in this area.

She went on to say that the new Section 3 of the bill would allow community colleges to pay non teaching employees for accumulated sick leave and presently school districts can do this and this bill would allow community colleges to also be able to do this, but they must have a fund available to pay these because they do not know how many people may retire or resign. They have to take these funds out of the operating fund if they did not have a reserve.

The bill also allows up to 35% of the general funds budget to be carried over, through November 30th of the next fiscal year to pay what the general fund is owed. Most schools do not get their money until later in the fall for their budgets that start July 1 and they do not have any money and this makes the money available for them to use before they get their money for the next budget year.

She concluded that basically the bill allows community colleges to do what the public schools are already doing.

List of Testifying Proponents and What Group they Represent:

LEROY SCHRAMM, Legal Council for The Board of Regents

Testimony:

LEROY SCHRAMM stated that he was at this meeting on behalf of the commissioner of higher education and also on behalf of the community college presidents.

He said that this bill comes about as a result of the way we treat community colleges. "They are neither fish nor fowl. They are neither high schools nor are they directly under the Board of Regents." Community colleges are under the B of R for some things, but not for others. He said that there were local boards that govern the day to day affairs, but the statutes for the community college are very short.

Mr. Schramm said the bill is asking that the community colleges be allowed to follow the same laws that school districts are now doing in four instances that are listed in HB 332.

List of Testifying Opponents and What Group They Represent:

None

Questions From Committee Members:

Senator Farrell stated that a couple of years ago there was a bill to allow the University System to accept donations and a community college may borrow money, but a section that was taken out in this bill was "the authority to accept donations" and he wondered why this was left out because a special bill had gone through a couple of years ago that would allow universities and colleges to accept donations. He asked if this was an error.

Mr. Schramm replied that the Washington Stadium Bill was not strictly allowing Montana colleges to accept land because now the B of R could do that, actually it was because architecture and engineering were going to use private funds, and land was being leased temporarily to the foundation. They were going to use private funds to build the stage and they were going to have the architecture and engineering departments to help them with the plans so it was a real complicated thing more so than a normal situation. This was not just the authority to acquire or accept donations, it was more complicated. He said that he thought community colleges had the authority to accept donations.

Senator Farrell asked him to notice Line 24.

Mr. Schramm said this has never been a problem with the B of R because the Regents with their constitutional authority have always assumed that they could accept donations whether the statutes said so or not. With community colleges this may be more important and he was not sure when the bill was drafted whether this was intended to be left out.

Senator Farrell asked why 35% for a general fund reserve was set.

Mr. Schramm replied that it was picked only because this was the number that is in the school law and the school law was copied for this bill. He thought that if the school law was changed and the reserve was cut down for school, the community college should not be any different.

Senator Nathe asked if on the general fund reserves that the general fund included all of the federal and state money that flows into the fund. He wondered if a general fund reserve was being created at 35% and the local taxpayer would have to pick up and the general fund is blown up with actual money that does not come off local levies.

Mr. Schramm replied that this is not the intent, it would

not include any state aid and federal aid for the community colleges, it would be in a restricted account. There was no intent to have any impact on the local levies.

Senator Nathe then asked what the payment schedule of the state funds to the community college is. He wondered if it was made in one payment or monthly payments.

Mr. Schramm replied that state money comes generally in August and February, local money comes in December and June and tuition comes in late September and in the spring when the students register.

Senator Hammond added that it was 48% of state money and 52% local money.

Senator Brown stated that the bill makes reference to two sections of the code, saying that "the community college trustees shall...." and in sub paragraph 3, page 2 "... adhere to the school property provisions of ..." he said there is a section added here 20-6-604 and down below in the area of administration and finance it adds another section, he ask what this all refers to.

Mr. Schramm replied that these were the sections that Rep. Connelly referred to in the general explanation. He went on to explain that in the first section, 20-6-604, it says they may dispose of property and a procedure is laid out that says before property can be disposed of it must be noticed a hearing must be held and the board must approve of the disposition. He added that 20-9-512 is the sick leave accrual fund that the school districts operate under.

Senator Hammond commented that laws must have been used prior to this bill because how were original buildings acquired.

Mr. Schramm replied that in most cases the original buildings at least at Flathead Valley Community College were passed before the recodification of the community college laws. This particular codification is less than 10 years old. The ability to dispose of and lease are in some districts the authority is being assumed. This bill for practical purposes in some cases is to validate practices that may already be going on.

Senator Hammond said that he was referring to the satellite program in other towns with junior colleges.

Mr. Schramm agreed.

Closing by Sponsor:

REPRESENTATIVE CONNELLY closed by stating that HB 332 allows community colleges to do what the school districts can already do in the areas of leasing property, the selling of property, and setting up a general reserve account for the two or three months before they get money from the state or property taxes. This would allow them to set up a reserve account for accumulated sick leave or a retirement program.

She concluded by saying it does not change any of the funding, it just allows them to use their money more efficiently.

HEARING ON HB 344

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JERRY NISBET, House District # 35, stated that HB 344 basically was a housekeeping bill that changes some of the language in the code to update it and bring it in line with the current mission of the Montana School for the Deaf and Blind.

List of Testifying Proponents and What Group they Represent:

BILL PRICKETT, Superintendent of the Montana School
for the Deaf and Blind
CLAUDETTE MORTON, Executive Secretary to the Board of
Public Education

Testimony:

BILL PRICKETT stated that right after he was appointed by the Board of Public Education they asked him to look at the enabling legislation and suggest changes that might bring it in line with what the school was actually doing. This is what HB 344 proposes to do.

In Section 20-8-102, the objects and purposes section, says the school currently serves the day students who go and come from their homes daily, there is a consultation service that is also provided to public schools through out the state and infants are being served in their homes throughout the state.

He said the suggested changes to 20-8-102 would bring this state into line with what the school is currently doing as a

result of the policies of the B of PE. Mr. Prickett said that there were a couple of suggestions to clean up some of the language, for example, he said to recognize children that do not attend the campus in Great Falls on a daily basis as children being served by the deaf and blind school.

He said there was no fiscal impact with HB 344 because it did not create any new programs. He said this was just what was being done and is already currently funded.

He went on to say that 20-8-103 deals with the publications of the Superintendent and this section specifies that the B of PE shall set the qualifications, but specifically required that the superintendent know sign language and that she/he has taught three years in a school for the deaf. They would like this requirement to be deleted because having this it precludes someone whose background is in education of the visually impaired from qualifying. He said that he barely qualified for the position. This would be a good change because it would open up the pool of qualified candidates for the position. No additional spending would be required here either.

Statute 20-8-121 dealing with transportation, he explained, currently limits the school sending the children home at state expense nine times a year. The suggested change would make this a flexible number of times and the limit would be the number of times approved by the B of PE when they approve the school calendar each year. There would be no additional cost per say from this because of the sequence involved. He said they always have a budget approved and funded by the legislature and then based on this, they submit a proposed calendar to the B of PE and this calendar reflects the money that the legislature gives the school.

This language change he said, would allow him to ask for additional money to send the children home more than nine times a year but this decision would still be up to the legislature and they would have the control.

CLAUDETTE MORTON stated that the B of PE has been responsible for the School for the Deaf and Blind for some time and when faced with the decision to hire a new superintendent for the school, the statute language changes show the way handicapped children use to be viewed and how in fact they receive more than just vocational training just to keep them from becoming wards of the state. Many of these students go on to college and/or a variety of careers and different things as citizens.

This is very important she said, and it does reflect much more current language and thinking in terms of the way we

treat these people and it also reflects the fact that it is not just a residential school, but serves a significant number of day students. The Malstrom Air Force Base has this as a priority for military who have students with hearing or visual impairment. Infant programs also have been worked with, because this is the best way to begin and overcome handicaps.

She explained that a superintendent's qualifications, by taking the three year experience requirement out, can be prescribed appropriate. Secondly she wanted to assure the committee that the B of PE feels strongly that the students should have the nine trips but some times it does not work out to be just the right time. Given the budget that the legislature gives the school, this would allow flexibility.

She concluded that the B of PE would appreciate the committee's support.

List of Testifying Opponents and What Group They Represent:

None

Questions From Committee Members:

Senator Nathe ask Ms. Morton about page 1 to the top of page 2 of HB 344 and how services throughout the state were provided. He wondered if it was done under contract.

Mr. Prickett said that there were three consultants who were on staff serving the visually impaired children who are enrolled in public school throughout the state. In addition there are a number (between 15 and 18) of people who are under contract to the school for the deaf and blind who live in various regions of the state who work with the families of hearing impaired in their homes on a part time basis. This is being done now.

Senator Nathe ask if there was any need for this portion of the law then.

Claudette Morton replied that the B of PE believes that the law should reflect what the school is doing.

Senator Nathe ask if the school was reimbursed by the Department of Health or SRS.

Mr. Prickett and Ms. Morton replied that no the school is not, but that this was included in the school's budget.

Senator Nathe asked about the children at Malstrom Air Force Base and if they received any 8 7 4 money.

Mr. Prickett said that no they did not.

Senator Nathe ask why the deaf and blind school was not applying for 8 7 4 money from the federal impact fund. He stated that he did not know what it would be for handicapped children of this kind but for Indian children that are in need of special education, it is 1.25% for the normal ANB and another 50% of the 1.87% reimbursement of the 8 7 4 funds. He ask if they planned on applying for these funds.

Ms. Morton replied that she thought this would have to be looked into, it was the general understanding that the state school was not eligible and it must be a school district. Great Falls is getting this money. She stated that of B of PE has talked about this, but because of a busy schedule she has not been able to follow through on this.

Senator Nathe asked if the Great Falls High School district gets the deaf and blind schools 8 7 4 money for the handicapped children from Malstrom Air Force Base.

Mr. Prickett stated that he did not know the answer to this question.

Senator Nathe then ask on page 2, line 6, if there was a movement away from main streaming these children into the public education system. Evidently it is being ask that the legislature provide a full educational component at the school for the deaf and blind rather than the services that are now provided and they do get a lot of education in the Great Falls school system. "Here are you asking for a change rather than provide a full educational component?"

Ms. Morton replied, "No." This may look a little strange she said, but we did not like the language "ordinary public school." She said they did not think there was such a thing as an ordinary public school education, so they simply are saying that it is a commiserate education for the hearing and visually impaired. This does not change the fact that any of them would wither be main streamed back into the Great Falls school district as they are now or as in some cases some of them after becoming more comfortable move back to their own home school. This bill is not changing that, this is simply trying to say that where ever educated it will be commiserate to a non handicapped education.

Senator Nathe ask if there was any way here that we are opening the door for a full blown educational system that is being taken advantage of in the Great Falls district to

reestablish another separate one, merely for all the students in the school for the deaf and blind.

Mr. Prickett replied that this is not the intent and was certainly not ever in their minds.

Senator Nathe continued by asking about the trips home. He wondered if the students were at the school through the summer months and if the school had the students for nine full months, "Do you want flexibility for more trips or less trips?"

Mr. Prickett responded saying that this bill would make it flexible, meaning it could go either way depending on the funding available. It could go more than nine trips or less.

Senator Hammond added that there have been problems as to how to get these students home.

Senator Nathe commented that this is why he ask because it has been moved to provide air transportation for these children and if the B of PE decides to give more trips home it is going to cost more money because these students are being transported so they get home once a month fast and on commercial transportation and he wondered about the expense side. He said he did not want to do something here that would suddenly bloom into an expensive proposition.

Ms. Morton replied that the B of PE would have to come back to the legislature at the beginning of the biennium with a budget proposal on the trips.

Senator Hammond said that this then is left up to the B of PE whether there will be eight or nine trips. Nine trips are now tied into the budget. "If they provide for eight instead of nine there may be some money left over and his would be in the realm of the boards power to do this.

Ms. Morton said that she supposed it would be. The real concern is to get the school year set up so that it does work out the best for the children. She said that the B of PE is not intending to ask the legislature for money that is not used.

Senator Hammond stated that he did not mean to imply this but that it was a possibility. He said that it was known at the present time the school has been hard pressed to get the students home with the present budget.

Senator Mazurek ask what a "consultative resource" was. "Shouldn't we just say "...that you shall consult with..."

Ms. Morton replied that she only suggests things to the legislative council and the language does not always come out the way it should.

Senator Mazurek ask how extensive the out reach programs were to the hearing and visually impaired students that are not yet enrolled. He also ask if the B of PE serves everyone who inquires. He said the reason he is asking is because in the bill it is requiring the board to do this by using the term "shall" in the bill. This assumes that anyone who wants service from the school in the state shall receive it and this is an expansion. He wondered if the school was able to serve anyone who requested service.

Mr. Prickett replied that the school is currently responding to every inquiry and providing as high level of service to all those who inquire.

Senator Mazurek ask, "So you want to be in the position where you have to do this?"

Mr. Prickett replied that the school feels that it is a professional and a moral responsibility.

Senator Mazurek ask if the same applies to the school where the hearing and visually impaired are enrolled. "And if so to what extent are you carrying this out?"

Mr. Prickett answered that this was a result of contact by the school. If the local public school has a hearing/visually impaired child enrolled and they inquire of the deaf and blind school as to the auxiliary services that can be provided to them, then the deaf/blind school's people are sent to them to see what can be done. He said they do not solicit the services. He said they were providing for the vision impaired children, large-print books, test books produced in braille, tape recorders, and consultants to into classrooms.

Closing by Sponsor:

REPRESENTATIVE NISBET closed by saying that he felt everything had been adequately covered and he thanked the committee for their time.

HEARING ON HB 346

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JIM RICE, House District #43, stated that the purpose of this bill was to give school districts the option and the important issue is that this gives school districts the option to declare school buildings to be tobacco free areas. In other words to give them the option of whether smoking is allowed on the grounds.

He emphasized "the option" because ten other states and the District of Columbia, have prohibited outright any smoking on school grounds and this bill does not do this nor does he want it to. He said that this is a local option bill. It does this by amending the Montana Clean Indoor Air Act, a section of which is amended by HB 436.

He pointed out that in 1979 the Clean Indoor Air Act was passed which allowed for the establishment of non smoking area in buildings. In 1985, a second part of this bill was passed which was the section that mandated that government buildings would have both non smoking and smoking areas. This bill would exempt the school districts from the requirement that government buildings must mandate both smoking and non smoking areas.

He stated that he had an amendment (See Exhibit #1) which he said he would like to see attached to the bill. As the bill was originally written it would leave open the possibility that we could go back to the days before 1979 where there would be no non smoking areas. The school districts could declare it all smoking. What is wanted is to give the option to those school districts who decide to have a tobacco free area, give them the option of going ahead and prohibiting smoking.

Rep. Rice continued by saying that they feel this is an educational issue. A lot of time and money have been spent in this state to teach our students not to smoke and the harmful effects of smoking and yet they can walk outside the classroom door into the hall way and see someone smoking. This is not prohibited in Montana, so he thinks this is a very important reason why school districts should be made an exception to this particular statute. He said he thought it went a long way to also clarify the situation. He said he found that after he introduced this bill, some school buildings around the state have already prohibited smoking.

He said he grew up in the town of Glasgow and he heard there is no smoking in the Glasgow Schools. This is part of the

problem. There have been a number of people inquiring whether or not as part of their collective bargaining arrangement they can put this issue on the table and bargain away the right to smoke. A lot of school districts around the country are doing this. The way the statute is now written this may not be something that they would do and to this extent it is a clarification.

He concluded by saying that this is the only vehicle left by which a statement can be made in regard to this particular issue.

List of Testifying Proponents and What Group they Represent:

JACK COPPS, The Office Of Public Instruction
BRUCE MOERER, The Montana School Boards Association
MIGNON WATERMAN, School Trustee for the Helena Schools
KAREN LANDERS MD, The Montana Council for Maternal &
Child Health
ROSETTA KAMLOWSKY, The American Cancer Society
TONI JENSON, The Rocky Mountain Tobacco Free Challenge
ERIC FEAVER, The Montana Education Association
EARL THOMAS, Director of the American Lung Association
MARY HANSEN, Chairman of The Rocky Mountain Tobacco
Free Challenge

Testimony:

JACK COPPS, of the OPI, stated that they support HB 346 because they believe that it is natural that educational institutions which educate our young people should have the opportunity to proudly display the fact that they are tobacco free. He said he would call this "education by example" and this is the reason OPI is in support of HB 346. He urged the committee's support of the bill and the amendment.

BRUCE MOERER, of the MSBA, stated that Rep. Rice is carrying this bill for the MSBA after it came through the resolutions process and was voted on at the annual convention in October in Billings. The amendment is rather technical in nature and it was meant to prohibit a situation where a school district could consolidate a smoking teacher's lounge and a non smoking teacher's lounge, then elect not to be a non smoking lounge. This is merely intended to allow them to be tobacco free if they want to combine the two lounges. What this amndment does is to take care of this situation and not allow it.

He went on to say that if smoking is wanted to be done away with in the teacher's lounge, it could be interpreted as a change in working conditions and would have to be

negotiated.

He said this bill removes an inconsistency in the school districts, as Rep Rice said we are teaching our young people the evils of smoking, drugs, and alcohol that were mandated to allow smoking in the schools and this bill merely allows us to set the example.

He said that kids on teams can tell the difference between the coaches that smoked and drank on the trips and the ones that did not. They set examples for kids.

He pointed out that this bill leaves the decision up to the locally elected school boards and clarifies an inconsistency in the Clean Indoor Air Act.

He said there were people who felt this was a pro choice bill. He said he did not think that we should be making people's choices for them and he disagreed that this is a pro choice bill. He felt that morals were not being legislated here, what is being done is to try to allow a good example to be set for children in school in the appropriate setting, which is on the school premises.

He urged the committee's support.

MIGNON WATERMAN (See Exhibit #2)

DR. KAREN LANDERS, Pediatrician from Helena (See Exhibit #3)

ROSETTA KAMLOWSKY (See Exhibit #4)

TONI JENSON (See Exhibit #5)

ERIC FEAVER, of the MEA, stated that they rise in support of HB 346 as amended. He said that if the committee does not adopt the amendment it is the MEA's contention that the title and text are inconsistent with each other and indeed, regardless of what the title says, the text without the amendment would allow a school district to become completely smoking. Not only would this eliminate the opportunity for the non smoking teachers to have a smoke free lounge but the entire school district would allow smoking at will. So he stated it is necessary to bring the amendment into the text of this bill and in this sense these amendments if adopted makes them support HB 346.

EARL THOMAS (See Exhibit #6).

MARY HANSEN, an occupational health nurse in the Helena area, urged a do pass consideration for several reason many of which have already been stated. An important one she said is that the opportunities important to provide for and allow employers in school areas to be tobacco free. Employers she said should be more concerned about their responsibility to provide a safe and healthy work environment. for employees to be especially true in the business she works for and legislation should allow a school to be tobacco free. Sometimes the only feasible option is to declare an area smoke free. Accommodating both smokers and non smokers can be very expensive and usually turn out to be cast prohibitive.

As Chairman of the Rocky Mountain Tobacco Free Challenge she seated that they are trying to affect the morbidity and morality of our future population in Montana by the year 2000. She said by doing this, this should affect the way children think about tobacco.

List of Testifying Opponents and What Group They Represent:

JEROME ANDERSON, Attorney, The Tobacco Institute
JOHN DELANO, Philip Morris Co.

Testimony:

JEROME ANDERSON said that the Tobacco Institute is a national organization funded by the producers and distributors of tobacco products. The function of the institute is to make appearances before legislative bodies.

He said they were concerned about this legislation and first it is good to look at the reasoning behind the existing statute and the basis upon which it was passed by the legislature and defended by those who believe its present form is proper.

He said that the Montana Clean Indoor Air Act has one set of restrictions and restrictive arrangements that could be handled by private owners of property in the manner in which they regulate smoking upon their premises. The other portion of this statute, which is particularly addressed by this bill, addresses the handling of the smoking problem within buildings, funded by public moneys which include in many instances tobacco tax money that are used to maintain not only the maintenance of buildings from the stand point of repairs but also from the stand point of construction.

He said they believe that since public tax moneys are used to sustain these building facilities the general public has

a right to have a say with regard to the manner in which certain functions are conducted within the building.

He said that those that support the bill would have you view this situation as being only to allow the school district to avoid seeing children go out into the halls of school buildings where tobacco smoke wrecks down through the halls. He said he doubts that there are any school buildings in the state of Montana today where a school child can walk out of a school room into the hall and see someone there standing and smoking.

The basis of the present statute is to simply provide a facility where the teachers and adult employees of the school can find a place to smoke. He submitted to the committee that if the school districts desire to cooperate in this regard, it is not excessively expensive for them to do so.

He said he has represented management for forty years in the practice of law and labor negotiations and he said he can certainly attest that the establishment of any regulation that completely bans smoking facilities on school grounds will lead to collective bargaining agreements. Custom and usage under the existing collective bargaining agreement has allowed some form of location within the school facility for those particular members of the school teacher's union that smoke. If this is taken away from them, an employee's right is being taken away and this would certainly become an issue for bargaining.

He added that they would like to make a standing offer to any school district with regard to the air quality within the school building. They can make available to any school district a study by a certified and recognized international group of people who will come in and analyze the air quality within the school. He said he was confident that the school district would see that they have many more problems with air quality than that associated with tobacco.

He said it is impossible to set up a perfect society in which to live and to find a perfect habitat. He said we must all try to do as well as we can to give the opportunity and yet recognize each others rights.

He said they were not asking that a tobacco facility be set up in a school building that allows rampant smoking throughout.

He urged a do not pass on HB 346.

JOHN DELANO said he had several people call concerning this bill who like to attend basket ball games, PTA meetings, exhibits, concerts and other public function in the schools. He said they feel this is unreasonable that during half time of a basketball game a person can not go out in the hall to a designated area and have a cigarette.

He said he thought the present law is adequate and there is no need for HB 346.

Questions From Committee Members:

Senator Hammond said that he had been at a basketball tournament in Glasgow and there were people standing outside smoking in ten below weather. These people approached him wondering when this "law" came into effect. He said he told them there was no such law, but there was bill but not a law. He wondered if this would be included in a bid for a tournament.

Bruce Moerer pointed out that the bill leaves the choice where it should be and that is with the locally elected officials. If folks have a complaint they should take them to their trustees to get the policy reverted.

He added that there are districts that are getting conflicting opinions as to whether or not they can have smoking at half time.

Senator Farrell ask if there was a possibility that we would start electing school board trustees based on their policy on smoking.

Mr. Moerer replied that he hoped not but people have an opportunity to give input and have a chance to review their policies. He said he did not think though, that this was a big enough issue to impact an election.

Senator Brown referred to lines 15 and 16 of the bill "...except a school district..." He wondered if we accept the amendment if this includes the community colleges, as it is defined in this section.

Mr. Moerer replied that the intent was to make it applicable only to school districts, K-12. The amendment may need to say "...except a school facility..." The word "district" should not have been stricken to make this more clear.

Senator Brown said that the reason he asked was that he was contacted by a representative of the student council at the

Flathead Valley Community College and apparently they are in the process of building a new campus and they have voted to recommend to the board of trustees, to have a tobacco free school.

Mr. Moerer suggested that this would have to be designated to apply also to community colleges.

Senator Blaylock stated that there has been a tremendous increase of smoking by school kids across the country and in Montana. This is not because of the law because people have been made aware through education since the 1950s. He ask why there should be a law and pretend that this will make kids stop smoking. This will not happen.

Mr. Moerer said that he agrees but he thinks there is a big difference where teachers are setting an example for students.

Senator Blaylock asked if any one was bothered by the fact the tobacco is taxed then we use these taxes to build public buildings and then require that there is no smoking in these buildings.

Mr. Moerer replied that this does not bother him because if we are successful in the education process, we will be losing this source of revenue anyway.

Closing by Sponsor:

REPRESENTATIVE RICE summarized the issues by saying that first from the tobacco people it was heard that all this money is being paid to the tobacco taxes and the public should have the right to say. This, he said, is what this bill does. Right now the local governments do not have a right to say, it is mandated by state law, that there has to be smoking and non smoking areas. Under the laws it is strictly written that we do not have the right to make people stand in the cold to smoke, as they had to in Glasgow. This law is asking for a local option giving the people the right to decide how they want to do it at their schools.

He went on to say that the Tobacco Institute said that we can not develop a perfect society, but if we can not attempt to make it a better society then none of this would probably show up.

He concluded by telling the following story, "When he was a little lad, he had an older gentlemen who was a friend and he used to spend some time with him and he gave him advice

about life and I ask him one day if he thought I should smoke. He said young man you can't smoke, it is the cigarette that smokes, you're just the sucker." Rep. Rice said he will remember this story for the rest of his life. He suggested that if this man had pulled out a cigarette and started smoking it, his words would have meant very little and this is the whole issue of this bill. This is an education issue.

He said that if we are not going to give people the right to decide, throw out the efforts and the money we spend teaching kids not to smoke. If the effort is going to be undertaken, then lets give them the option of educating by example and saying we will not smoke on school premises.

He urged a do concur motion on this bill with the amendment.

HEARING ON HB 20

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE DAVE BROWN, House District #72, stated that he was here in very strong support of HB 20. This is the fifth session he has been here and he finally got this bill out of the House.

He said what this bill does is very simple, it required Montana to have kindergartens. (See Exhibit #1) He passed out a current fiscal note that accurately reflects the way it is in Montana for kindergartens.

He went on to say that kindergartens today are not the play schools they were ten years ago. They are the beginning education for students in reading and mathematics. They are an academic environment. There of course is adjustment time and social time, but they have some real impact on the academic progress of students.

He pointed out that this bill does not change the mandatory age of dependents or children in Montana who go to school. This age is still age 7. This means that if a family is out in the country side in a rural area or in a city where this applies, the child still does not have to be sent. This bill does not affect this ruling.

The fiscal note says that 95% of Montana school districts offer kindergartens, in fact he said it is 97% of the children in Montana attend kindergarten. Under separate statute, Montana law already allows for ANB application for students.

In addition he said under the 1990-91 period the committee should be aware of the federal mandate that is coming down on the handicapped children that will require kindergarten to be provided in all rural and city areas. This is a federal mandate and applies to handicapped children that Montana school districts will have to deal with.

He said his last point was that Montana is one of the last states to require kindergartens. In twenty states it is being argued whether or not pre school should be required for ages 3 and 4. He said he felt we were "sorely" behind by not requiring kindergartens. He said that he is more worried about the 97% of students who have kindergartens now that are facing the fact of losing it without the requirement in statute, because of budgetary considerations or revenue matters, than he is about the 3% of students who do not go to kindergarten now.

He said that while the committee was reading the fiscal note they should notice that there are only sixty-six districts in the state that do not have kindergarten. Of these sixty-six districts, twenty-nine districts do not have any kindergarten age children. Of the other thirty-seven, the largest is Grassrange and they have 12 kindergarten students. There are some jurisdictions of this thirty-seven that offer kindergarten, they are just not official.

He said he thinks now is the perfect opportunity in dealing with the foundation program and doing the revamp required by the supreme court decision to include kindergarten where they belong. He said that Rep. Jack Ramirez explained it best on the House floor, when he said that this is a constitutional mandate based on the Loble Decision. If it is done now, there is the opportunity to build it in as part of the education formula. If we wait, another law suit probably is all it will take to require this.

The cost will be about \$100,000 and under ANB now, it is required to pay it. Even if it is looked at as an additional cost, it is 4/10 of 1% of the foundation program budget in Montana. This is insignificant compared to the problem we now face with revamping the educational system.

He commented that he is delighted that the MSBA is supporting the bill with the caveat, that actual costs have to be met. There is more cost than ANB covers and he said now is the perfect opportunity to cover these costs because he has been working with the foundation program bills as they have come through the House. There is language in these bill to cover this cost and he hopes the committee give this bill a do concur and move on to the Senate floor.

List of Testifying Proponents and What Group they Represent:

JACK COPPS, The Office of Public Instruction
CLAUDETTE MORTON, Executive Secretary of the Board of
Public Education
ERIC FEAVER, The Montana Education Association
BETTY JEAN WOOD, Legislative Chairman for the American
Association of University Women
BETH O'HALLORAN, The Montana Federation of Teachers
BRUCE MOERER, The Montana School Board Association

Testimony:

JACK COPPS said that he just wanted to emphasize a couple things; 1. OPI feels very strongly that this is a bill that offers equal opportunity for the young people across this state. As this does this, it simply confirms what the Supreme Court and The Loble Decision said, and that is that every youngster in this state shall have an equal opportunity to be educated. 2. To clarify the figures by saying there are 13,345 students of kindergarten age and of these 13,345 there are 129 students who do not have access to kindergarten. This is 9/10 of 1% of our student population.

He closed by saying that many of us remember the kindergarten of ten years ago and times have changed. They are no longer a place to develop social skills through play activities. Basic skills are now taught, pre reading and mathematics are taught and it is essential. Research clearly indicates that young people should have this kind of a head start in order to be successful in the educational years ahead.

CLAUDETTE MORTON used the Head Start Program for an example, she explained that the Head Start Program proved to be successful when speaking of less drop outs, in fact these students worked at grade level or beyond and were able to obtain high school diplomas and go beyond when children of their same economic and social background that did not have this opportunity, continued to drop out and have problems in school, ultimately becoming problems for society. This in fact has been such a good program President Bush has said this is one of the areas that he is looking at additional funds.

She explained that because of the great deal of concern that was expressed by some of the rural representatives in the House she contacted county superintendents that had several

rural schools and she was told that there are in fact kindergarten in some rural areas but they are not official and they do not apply to the state for the money because they were not meeting two hours every day. Ms. Morton said she informed them that the B of PE has recognized the fact that it is hard to meet two hours every day in some communities with transportation as it is. She explained to them the kindergarten variance rule and a school can apply to the OPI using the OPI rule and meeting the total hours but by going two days the first semester and three days the second.

She went on to explain that OPI does recognize that there are some problems with transportation, weather etc. and there are adjustments that can be made.

She said that in the Flathead area there is a school district that is close enough to send its kindergarten age students to another school that offers kindergarten. She repeated "that there are accommodations that can be met."

The point of it all, she said is that no child should not have the opportunity to go to kindergarten and parents should have the opportunity where ever they live to access to kindergarten therefore the B of PE supports HB 20 and asks the committee for their concurrence.

ERIC FEAVER stated that they have supported this bill in the last five sessions and they are delighted it made it to this Senate Committee. They think it is a bill whose time has come.

The House did amend the bill to be consistent with current statutes and proposals for tuition that would allow school districts to cooperate in the offering of a kindergarten program. He said that with an adjacent existing program it would be possible without tuition for children to attend this kindergarten because it is a matter of equality and a matter of timeliness and Montana showing the rest of the nation that we are approaching the 21st century. So he said the MEA supports HB 20.

BETTY JEAN WOOD, (See Exhibit #2)

BETH O'HALLORAN stated that this bill could very well be the first most positive step toward equalization and she urged the committee's support.

BRUCE MOERER stated that the MSBA adopted a resolution last year that supported mandatory kindergartens only on the condition that the actual costs are fully funded. There is a difference between ANB and actual costs that all are aware

of and he added that in the smaller districts there could be the potential for additional transportation costs.

List of Testifying Opponents and What Group They Represent:

CHIP ERDMANN, An Association of Rural School
Districts
KAY NORENBURG, Women Involved in Farm Economics
CAROL MOSHER, The Montana Cattlewomen and The Montana
Farm Bureau

Testimony:

CHIP ERDMANN stated that his association of Rural School Districts rise in opposition to HB 20. He said they did not take a position in the House, because they were limiting their activities to consolidation bills.

First he stated that they felt that this was an area where the local trustees should decide for themselves. The districts that were involved are small rural districts and after going through the OPI directory, he found 43 districts that do not offer kindergarten. 80% of these districts have less than 20 students and most from 2 to 10 students. He said there was a possibility of difficulties not only in cost but in the make up of these rural schools. One room schools are what is being talked about for the most part and one teacher who deals with a multiple grade situation. This kindergarten may only be needed one year. This seems to be inconsistent with local control to mandate the district to require kindergartens. He added that it was five year old children that are being discussed and this is an age that needs attention and supervision of an adult. They are being brought into a situation where a single teacher with 8 grades and this would be placing an extra burden on the teacher.

Secondly he said as far as cooperating districts, they are in isolated districts and parental permission is needed in order to bus elementary students for even one hour. It may not be possible to cooperate with another district and still meet that transportation requirement.

Mr. Erdmann agrees that kindergarten is a learning process, but it is just as much of a socialization process and dealing with children at this age, he feels would be an unfair burden on the rural school, unless the local community and/or local trustees decide that this is what is wanted.

He concluded by urging a do not concur in on HB 20.

KAY NORENBERG (See Exhibit #3)

CAROL MOSHER (See Exhibit #4)

Questions From Committee Members:

Senator Brown stated that the bill of course does not require that children go to kindergarten, it just requires that it is offered. He ask, "What would happen in a school district if one student showed up for kindergarten, would a teacher have to be employed for the one student on a full time basis?"

Mr. Copps replied that this would not be required. In many of the school districts, he said, the students attending are small in number and one teacher is handling five or six students. Simply by adding one more student would not mean employing a separate teacher.

Senator Nathe stated that right now it is pretty flexible out in the state. He explained that there has been a lot of controversy in his part of the state, whether the kids go one day all day or a half a day so many days a week. With the flexibility there is now he said he felt the local board of trustees can decide on what they want. He said this was extremely important for rural areas because being twenty miles or more from the school and going to school every day for a half a day this is a lot of driving for the parents. His concern he said is the people here in Helena are going to make some decisions and obligate some rules and be out of contact with what is going on out in the rural areas. This he feels is a danger in this bill.

Ms. Morton replied that it has about 2 1/2 years since she had been out in the rural areas, but she said as a liaison to county superintendents in the past, she saw some fine kindergarten programs and was able to recommend to other rural schools. The flexibility is there by the B of PE kindergarten's variance rule right now. And as long as the board continues to have representation and have public hearings, they will continue to respond to the needs of the citizens in rural Montana. The kindergarten variance rule she said will not be changed.

Senator Nathe stated that the constituency is far more urbanized than 9/10 of 1% who are not offering kindergarten. The 1/2 day or full day scheduling generates tremendous fights in rural areas and he said he wonders why B of PE and OPI would want to get in the middle of these fights.

Ms. Morton said they do not want this and the variance rule says adjustments can be made and this law that has been on the books for years allows and recognized that there are different factors involved.

The amount of time is critical though, so they are not cheating the state on the money, because they get 1/2 ANB for kindergarten students. They must put in the right amount of time which is with in the intent of the rule. Significant research shows that there are arguments on both sides of the aisle and there are examples that show negatives and positives for both 1/2 day vs. whole day. As more parents are working, they want a full day of kindergarten everyday.

Senator Hammond stated that evidence shows that 97% of children at kindergarten age go to kindergarten without it being mandatory. They often times do not notify the state that they are having kindergarten so there is a strong feeling out there that they would like to provide kindergarten but they have to do it in a way that suits each districts. The history, he said, says the kinds of variances available for accreditation have not always been available. When we look at what is good for the greatest number of people, it does not always fits in the rural areas. He wondered why people were so anxious to mandate kindergarten, when 97% are already going.

Representative Brown said that he understood the concern but growing up in Pompey's Pillar, Montana in a three room school and riding 25 miles on a bus to school was an accepted way of life in the rural areas. Also in many of the districts of the state when it comes to bond issue time occasionally school boards have been known to say if this bond issue is not passed kindergarten will be cut or something else. They never say basketball or sports will be cut. Unless kindergartens are required by statute we jeopardize the education of the 97% that now go.

Senator Hammond asked if kindergarten would be having equal opportunity if it was mandated. Traveling for 30 miles is not equal opportunity. He said, "Equal opportunity is a phrase that does not belong here."

Representative Brown said that in his judgement he did not think this bill was as much about a 3% problem as it is the 97% problem. He said he does not see this bill changing anything in the rural areas. It does not affect mandatory age and parents can still decide. Diversity is not going to change here in Montana for some time.

Senator Brown said the Loble Decision seems to conclude that the Constitution requires equality in education and equal access so he wondered if some members of the House based their decisions on the Loble Decision.

Mr. Erdmann said he did not agree with this because if they were going to address this portion of the Decision they would be amending the mandatory enrollment section. This does not require a five year old child to go to kindergarten.

Senator Brown said though that an equal opportunity should be provided.

Mr. Erdmann stated that mandatory attendance policies require that a child of a certain age be sent to school. Without this requirement there are parents and students that will not take advantage of this.

Senator Brown said that what he was driving at is that the state can not help the fact some families live 25 miles from the school. It does seem that the state does have some obligation to provide equal opportunity.

Mr. Erdmann said that he does not see the Loble Decision mandating curriculum and this is the same area.

Senator Brown wondered about the quality of education and there being a great deal of evidence showing that kindergarten is very beneficial, could it be argued that a student might not have equal access to quality education if he/she were in a district that did not offer kindergarten.

Mr. Erdmann stated that logistics and reality say that in isolated rural districts this is very difficult.

Senator Brown asked that with out the statutory requirement that if state aid to schools would be decreased, kindergartens may be cut. There is local control and where the districts are under funded the same old problem is "the sacred cow of equality being gored by the sacred cow of local control." Both are concepts that people agree with, but it seems that they are in conflict.

Mr. Erdmann replied that he did not know how realistic it is for a school district to say that they are taking away the kindergarten once it has been offered and established. He said he felt sports programs would go before a kindergarten program.

Closing by Sponsor:

REPRESENTATIVE BROWN concluded by saying, "the one little school house argument," he disagrees with because he feels he himself is a product of a three room school house. He said he felt he had an advantage having been in a classroom where 1st and 2nd grade were taught and when he finished the 1st grade work, he could do the 2nd grade work. When school consolidation came along, he was always one grade ahead of everyone. This he feels was a distinct advantage. In small rural areas a well-rounded across the board education is an advantage to going to and graduating from some rural schools in Montana or any where else. Kindergarten, he feels just adds another agreement to this kind of situation, that may or may not require an additional teacher. If it is worded properly with the foundation program as it moves through the legislature, he thinks there is a need to cover the actual costs because he to feels this is a legitimate argument.

He reminded the committee that this bill does not change the mandatory age of attendance in this state. It just provides the opportunity. We do need to talk about those people in this state that want to be able to send their kindergarten age children to school. We do not want to prohibit this. He said he does not feel that any of the inherit flexibility is taken away in the rural systems by this legislation.

He said he would very much appreciate a do pass on HB 20.

ADJOURNMENT

Adjournment At: 2:58 pm


SENATOR H. W. HAMMOND, Chairman

HH/jh

Senmin.303

AMENDMENT TO HB 346
THIRD READING

Page 1, lines 15 and 16

Following: "school"Strike: "district,"Insert: "facility designated as tobacco-free by a local
Board of Trustees,"

Page 2, line 2

Following: "facilities."

Strike: ". ""

Insert: "designated as tobacco-free by a local Board of
Trustees."

WITNESS STATEMENT

SENATE EDUCATION

EXHIBIT NO. 2

NAME: Mignon Waterman

DATE: 3/3/89

BILL NO. HB 346

ADDRESS: 530 Hazelgreen, Helena

PHONE: 442-8648

REPRESENTING WHOM? Helena School District #1 Bd. of Trustees

APPEARING ON WHICH PROPOSAL: HB 346

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: The Helena School Trustees would like to be able to designate some buildings as "Tobacco Free". We were forced to spend funds to remodel a teachers lounge to provide a second teachers lounge to meet the provisions of this statute.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TESTIMONY FOR THE SENATE EDUCATION COMMITTEE

Support HB 346 Exempt School Districts from Requirement to Provide Smoking Areas

Name: Karen Landers, MD, Pediatrician from Helena

Representing: Montana Council for Maternal and Child Health

The Montana Council for Maternal and Child Health represents hundred of health care professionals serving Montanans including family physicians, OB/Gyn physicians, pediatricians, school school nurses, and OB/Gyn nurses. Because the Council's primary concern is assuring the health of Montana mothers and children with particular emphasis on prevention of disease, we support the exemption of school districts from the requirement to provide smoking areas.

Smoking is recognized as a significant health hazard. It has been linked to the development of cardiovascular disease and cancer. It is appropriate to provide education to our school children on the health risks of the smoking habit, and many schools in fact do present information on this and other substance use. It is also appropriate to model healthy behaviors to encourage children to practice what they have learned. Exempting school districts from providing smoking areas will reduce the conflicting messages that children receive on choosing healthy behaviors such as not smoking.

There may also be a benefit to the adults. Reducing or stopping smoking patterns is second only to the wearing of safety restraints in motor vehicles in return of dollar investment made in health promotion interventions over a working lifetime.¹ A return of \$15.26 for every dollar invested in decreasing smoking

has been estimated. As advocates for health and prevention, we strongly urge your do pass recommendation on HB 346.

References

⁴Michigan Dept. of Management and Budget, 1987.

health promotion

WITNESS STATEMENT

SENATE EDUCATION

EXHIBIT NO. 4

NAME: Rosetta Jankowsky

DATE: 3-3-89
BILL NO: HB 346

ADDRESS: 99 Stuart Helena

PHONE: _____

REPRESENTING WHOM? American Cancer Society

APPEARING ON WHICH PROPOSAL: HB 346

DO YOU: SUPPORT? AMEND? _____ OPPOSE? _____

COMMENTS: The American Cancer Society with great concern, requests you pass this Bill making school areas smoke-free. The Bill Banning the Sale of tobacco to minors was killed in Committee making this Bill one of our last attempts to protect our youth from the drug nicotine

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TAKING AIM ON TOBACCO

Rocky Mountain Tobacco Free Challenge

MONTANA
ARIZONA
COLORADO
NEW MEXICO
N. DAKOTA
S. DAKOTA
UTAH
WYOMING



Testimony on House Bill 346

Mr. Chairman and members of this committee. I am Toni Jensen, coordinator of the Rocky Mountain Tobacco Free Challenge, a federally funded program operated by the State Department of Health and Environmental Sciences.

I am here today to speak on behalf of HB 346. I think this is an important piece of legislation because all children deserve the right to be educated in a smoke-free environment.

As role models for our next generation of adults, we must take a stand and give a strong message to youth about positive health responsibility. This bill takes an important step in that direction.

We have known for many years that involuntary smoking is extremely dangerous to non-smokers. This is the reason we are so concerned about setting limits for smoking at school facilities. We must speak on behalf of the children and take steps such as these to safeguard them from this easily preventable public health hazard.

House Bill 346 effectively and simply provides for those interested in designating school facilities completely smoke-free, an opportunity to do so.

I urge you to support House Bill 346.

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AMERICAN LUNG ASSOCIATION OF MONTANA

Christmas Seal Bldg. — 825 Helena Ave.
Helena, MT 59601 — Ph. 442-6556

EARL W. THOMAS
EXECUTIVE DIRECTOR

SENATE EDUCATION

EXHIBIT NO. 6

DATE 3-3-89

BILL NO. HB346

HB 346

MR. CHAIRMAN & MEMBERS OF THE COMMITTEE:

MY NAME IS EARL THOMAS AND I AM THE DIRECTOR OF THE AMERICAN LUNG ASSOCIATION OF MONTANA.

WE SUPPORT HOUSE BILL 346 BECAUSE IT WILL CLARIFY THE MONTANA CLEAN INDOOR AIR ACT SO THAT SCHOOLS WILL HAVE THE OPTION OF BEING SMOKE-FREE.

I CAN NOT BELIEVE THAT ANY OF THE LEGISLATORS WANT SCHOOLS TO BE REQUIRED TO PROVIDE A SMOKING AREA IN THE SCHOOL.

THIS PROBLEM FIRST BECAME APPARENT WHEN WE STARTED A PROGRAM TO RECOGNIZE SCHOOLS THAT HAD CHOSEN TO BE TOBACCO-FREE AND FOUND OUT THAT SEVERAL SCHOOLS WERE AFRAID TO BECAUSE OF THE LANGUAGE IN THE CLEAN INDOOR AIR ACT.

PLEASE GIVE HOUSE BILL 346 A "DO PASS" SO THAT SCHOOLS CAN CHOOSE TO BE SMOKE-FREE.

OFFICE OF THE GOVERNOR
BUDGET AND PROGRAM PLANNING



STAN STEPHENS, GOVERNOR

STATE CAPITOL

STATE OF MONTANA

(406) 444-3616

HELENA, MONTANA 59620

MEMORANDUM

TO: Representative Dave Brown

FROM: Ray Shackelford, Director *Ray Shackelford*
Office Of Budget and Program Planning

DATE: February 7, 1989

SUBJECT: Fiscal Information Letter on HB20

Due to the amendments of HB20 adopted by the House Education Committee, the fiscal impact of this legislation has changed. Listed below are the amendments to both the assumptions used and to the statement of fiscal impact. Please feel free to contact either Joe Williams of my staff or myself if we can be of further assistance in this matter.

Amendments to Assumptions on 01/17/89 Fiscal Note Worksheet:

- 4.) Currently, more than 90% of elementary districts in Montana offer kindergarten programs; approximately 95% of the Montana kindergarten aged population are currently enrolled in public kindergarten programs. 10% of the districts offer kindergarten but no students enrolled in FY89. Under current law, the financial obligation exists to provide foundation program funding for all kindergarten students.

Statement of Fiscal Impact:

Revision: Follow up phone calls to all school districts or county superintendents of schools discerned that of the 66 districts without kindergarten in FY89, only 37 do not offer kindergarten. The others offer the program, but no students enrolled. Current law provides for foundation program funding for kindergarten students if an approved kindergarten program exists; therefore, the state currently has a fiscal obligation for all approved kindergartens. Re-calculation of potential costs if non-kindergarten districts offered the program results in additional foundation payments of approximately \$100,000 if all kindergarten students attended in those 37 districts. However, under current law that obligation already exists. This legislation, with the amendment, only requires all districts to offer kindergarten, allowing combinations with other districts; currently this is optional. Therefore, this legislation creates no new fiscal obligation to the state.



AMERICAN ASSOCIATION of UNIVERSITY WOMEN

MONTANA DIVISION

SENATE EDUCATION
EXHIBIT NO. 2
DATE 3-3-89
BILL NO. HB 20

2 March 1989

BRANCH PRESIDENTS

Billings
Earlene Davis
Bozeman
Peggy McLeod
Butte
Pat Bristol
Cutbank
Linda Almas
Dillon
Margaret Vandegrift
Clara Beier
Glasgow
Sandra Oss
Glendive
Ardie Thompson
Great Falls
Feg Mathews
Hamilton
Lillian McCauley
Helena
Ruth Long
Kalispell
Joyce Atherton
Lewistown
Mary Jo Hamling
Miles City
Eleanor Gray
Missoula
Anna Marie Clouse
Northern Montana
Charlotte Kelley
Josephine Martin
Park
Ann Biastoch
Polson
Charlotte Stark

TO: Senate Education Committee

RE: HB 20 (Brown)

Chairman Hammond and Members of the Committee:

AAUW has a long and honorable history of support for education; in fact, AAUW has been credited for playing a major role in bringing kindergartens to Montana children, in the early 70s.

Since a kindergarten experience has been shown to be a definite plus in starting children on their way to being productive members of society, and since a small number of 5-year-olds in Montana still do not have this opportunity, we strongly urge your support for this bill.

Sincerely,

Betty Jean Wood, Legislative chairman



WIFE Women Involved in Farm Economics

KAY NORENBERG
WIFE (WOMEN INVOLVED IN FARM ECONOMICS)
OPPOSE HB20

Mr. Chairman, members of the committee, for the record my name is Kay Norenberg, representing WIFE (Women Involved In Farm Economics). We oppose HB20.

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.

Rural families have long distances to schools. Some are provided with bus service and others are not. Funding for bringing your children to school when no bus is provided is limited. Transportation costs are only paid for one round trip when in reality you must make two round trips.

When the demand is great enough and by encouragement of the parents, school districts usually will put in a kindergarten program. Let us leave this decision up to the local parents and the local school boards. Let us not add burdens to others.

We recommend you give HB20 a do not pass.

Thank you!

HB 20
Senate Educ. Comm.
3-3-89

SENATE EDUCATION
EXHIBIT NO. 4
DATE 3-3-89
BILL NO. 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.

COMMITTEE ON

Education

DATE

1-3-89

(1:00 MWF)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
BILL PRICKETT	MT. School For Deaf/Blind	HB344	✓	
JEROME ANDERSON	TOBACCO INSTITUTE	HB 346		✓
JOHN DELANO		346		✓
Tom Jesc-	Tobacco Challenge	HB 346	✓	
Jack Cooper	OPZ	346	✓	
Karen Sanders MD	Montana Council of Maternal and Child Health	346	✓	
CHIP EEDMANN	local Council	HB 20		X
Christine Mott	Board of Public Ed	HB344 HB20	✓	
Bruce W. Roer	MSBA	HB346	✓	
Bruce W. Roer	MSBA	HB20 if ^{SUPPORT only} actual 1. Jan day parts		
Carol Mosher	Mt. Battle Women	HB 20		✓
Kay Norenberg	WIFE	HB 20		✓
Dave Brown	HO #72 - sponsor	HB 20	✓	
Rosette Kambouly	HB 346 Cancer Socy	-HB346	✓	
Mignon Waterman	Helena School Dist. #10	HB346	✓	
Beth O'Halloran	Mont. Federation of Teachers	HB20	✓	
B Wood	FAUW	HB20	✓	