

MINUTES

MONTANA SENATE  
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By Senator H. W. Hammond, Chairman, on  
March 6, 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: Dave Cogley, Staff Researcher and  
Julie Harmala, Committee Secretary

Announcements/Discussion:

None

HEARING ON HB 374

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE RAY PECK, House District #15, stated that this bill is a way of determining the average number belonging for budget purposes. As a result of drafting this bill he said he thought that the person who did it used it as a clean up and there are changes where "shall" becomes "must." The substantial change is on Pages 11 and 12, section 20-9-311, "the calculation of average number belonging ANB," and on line 24, the change begins there "average number belonging must be computed by determining the total number of aggregate days of attendance of regularly enrolled full time pupils during the second semester of the preceding fiscal year and the first semester of the current school year plus the aggregate days of attendance by regularly enrolled full time pupils during the second. Basically ANB is determined on the basis of the

fall semester and the spring semester of the current school year. In figuring the budget administrators do not know the ANB at the time they are estimating it and sometimes this creates some significant problems, particularly in the smaller school where there is a number of students moving out or in during the second semester and this has a major influence on the budget. This would say that when figuring the budget you could go back to the last semester of last year and first semester of this year and this would give the ANB for budget purposes for the coming year. So about the middle of January a school administrator will know the actual firm number that is going to be used to determine the budget. This is a fairly simplistic change and will make budgeting more accurate.

He said the reason he sponsored this bill which was Mr. Floren's idea from Havre, was that he got concerned about the new equalization law that the legislature is working on and the best estimate is that it is 50% to 200% increase on the schedules. If these schedules become increased, it can be imagined what a couple of ANB are going to do in a small school. Therefore it is needed to get to an accurate figure for this.

Also this bill will take the peaks and valleys out of budgeting as most movement of school children occurs during the summer months so the budget is based on the last year's enrollment and if a number of students move in the district does not get the funds as they would with this bill based on that autumn. The fluctuation is "flattened out" with this bill.

He went on to say that there will be some winners and some losers, but he felt this would not be real significant. The elementary enrollment is rising, high school is tailing off. In most cases in the state there is one administrator for one district. He said he thinks its good for the system to get solid budget figures.

List of Testifying Proponents and What Group they Represent:

RICK FLOREN, Assistant Superintendent in Havre, Montana  
and District Clerk for Hill County  
BRUCE MOERER, The Montana School Board Association  
DON WALDRON, The School Administrators of Montana

Testimony:

RICK FLOREN stated that he speaks in support of "this piece of legislation." As a practitioner of the budget he said that with his responsibility to attempt to balance the documents at the end of the year, there is a problem when

the ANB count is not known until June and yet most of the budget preparation is done in the months of January, February and March. Certified and classified contracts come due prior to this time as well as negotiations with classified and certified employees.

He continued saying that if in fact any piece of legislation, SB 203, SB 198, etc., is passed, each of these have some type of a cap on the expenditures that schools are going to have. If we are going to cap he explained, "we have to know what we are capping to and it must be known well before June." If the cap is going to be on ANB, it must be known prior to the establishment of the budget. For example on the Governor's program there is 4.3% cap. He said he would like to know 4.3% of what he will be determining next year's budget on, and this piece of legislation does this. (HB 374) It also reduces the peaks and valleys of small schools. He gave the example of when he was Superintendent in Dobson explaining that one year there were eighteen graduating Seniors, the next year there were three. Fortunately he said in those days they were able to adjust the voted levy in order to compensate for such a big difference. This is out of a high school with 50 to 60 students, and the percentage increase/decrease becomes very monumental. In this legislation if ten are added, then lost ten, added ten and lost ten in the ANB would never change because one half of last years and one half of this present year is being used.

He explained that another nice spin off of HB 374 would be that there would be a concrete figure for people who are trying to guess what next year's ANB is going to be, so that it can be put in the budgets. These figures would be coming in in January, and the state superintendent could have of the figures available by the first of February and during this biennium it would be known how many ANB that were going to have to be funded.

He said this was an not a controversial bill and he urged the committee's consideration and support.

BRUCE MOERER of the MSBA said that they supported this concept because it does give some certainty in the budgeting process and it does "flatten" the figures.

DON WALDRON of the SAM, stated that they do not have a position on this bill but he said he had had a call on the effective date being July 1, 1989, and he said that he would appreciate it, if Representative Peck would explain what this effective date effects. He said the SAM thinks that it means a year from now.

List of Testifying Opponents and What Group They Represent:

None

Questions From Committee Members:

Dave Cogley commented that with the July 1, effective date, the bill would go into effect July 1, 1989, and this means attendance during the last semester of FY 1989 and first semester of FY 1990 would determine the 1990-1991 budget and foundation program entitlement.

He said for budget purposes of budgeting next spring, for FY 90, the old system would be used.

Senator Regan asked if it then should be clarified so that districts understand this is how it will be built.

Dave Cogley answered that this may be a good idea. He said he would draw up an amendment with the directions in the bill and how it will affect the districts.

Senator Mazurek commented on the title which says "to base the computation of ANB for school budget purposes..." This sounds he said as though when the proposed budget is being developed this will be used, but actually it is being used for the reimbursement. This is not just for budget planning. He asked if this was the case, "Would this kick in next year or kick in based on budgets developed in the spring of 1990 and be used for determining reimbursement for the 1990-91 school year?" This does not apply only to developing the budget, it also applies to reimbursements.

Rep. Peck replied that it applies to the reimbursement because reimbursement is based on the ANB and this is the sole system of calculating ANB.

Senator Mazurek added that if it is effective July 1 this year, it will pay next year's entitlement on this basis beginning after July 1. He asked if this is what was intended.

Mr. Floren added that there was no way this could be instituted this year. The July 1 effective date says that it is going to be used starting with next spring's ANB to determine FY 1991 budget and for every year there after. He pointed out next year's budget, (FY 1990) will be figured exactly as they have been since 1949.

Senator Mazurek asked if this was because 20-9-311 applies only to the budgeting for the coming year. If it applies to payment and is changed, effective July 1 of the coming year, then reimbursement beginning July 1 of 1989 will be based on ANB which would go back to spring right now. "Where in the bill," he asked, "does it say it is only used for the budget?"

Mr. Floren stated that 20-9-311 is dealing with the calculation of ANB which is specifically the figure that determines the reimbursement and total budget and if it is not effective until the 1st of July, then the ANB can not be calculated prior to the 1st of July any differently than current law.

Senator Mazurek ask if this law applies July 1 and when reimbursement is made for this formula will be using 1990-91.

Don Waldron of SAM said they turn figures in in June and so July 1 can be used next year. He said that it should be remembered that it is paid for the following year on the previous year. The way it reads, money will not be gotten for the 89-90 school year based on this but next January, ANB will be figured earlier for the six month call back. It is used for budgeting purposes for planning but it is also used for pay.

Closing by Sponsor:

REPRESENTATIVE PECK closed by thanking the committee and said that he felt the bill was simple in concept and he left it in the good hands of the committee, to clarify what was discussed.

Senator Hammond stated that Dave Cogley would take care of this clarification.

DISPOSITION OF HB 374

Amendments and Votes:

Senator Regan moved the proposed amendment to HB 374, which was for budgeting next year and reimbursement in 1990-91.  
(See Exhibit #1)

Senator Nathe called for the question.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote:

Senator Regan moved HB 374 to be concurred in as amended.

Senator Nathe called for the question.

THE MOTION CARRIED UNANIMOUSLY THAT HB 374 BE CONCURRED IN AS AMENDED.

Senator Mazurek will carry HB 374 to the floor of the Senate.

## HEARING ON HB 449

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE TED SCHYE, House District #18, stated that HB 449 is a bill that came to the House Education Committee two years ago and there were several opponents, but during the interim, people came up with a consensus in this bill.

He went on to explain that there was an amendment (See Exhibit #1) brought to him by the MSBA. He said he does support the amendment. This is a technical amendment on Page 5 where three year contracts are being talked about and in the bill it says a three year contract must be renewed every year. The amendment eliminates renewing the contracts every year and they must be renewed at the end of October of the third year.

List of Testifying Proponents and What Group they Represent:

JACK COPPS, The Office of Public Instruction  
BRUCE MOERER, The Montana School Board Association  
ELAINE COLIE, Director of the North Central Learning  
Resource Center  
PHIL CAMPBELL, The Montana Education Association  
DON WALDRON, The Superintendents of Montana

Testimony:

JACK COPPS of OPI, stated that the purpose of this bill is to provide some stability to the coops by telling the members of the coops, "if you are going to be a member you do need to initially make yourself do a three year contract with that coop."

He went on to say that in addition to the three year commitment which provides this stability, the bill also

would authorize the OPI to establish some rules so there is consistent criteria used for the formation of a coop. It also give OPI some the authority to offer some incentive to keep people in the coop because these are valuable units to special education.

Finally he said it puts together a government system that says that these co-ops will be governed by the trustees from those participating districts,

He added that OPI is in agreement with the amendment that is being proposed for this bill and it will eliminate some awkward language in the bill.

BRUCE MOERER of MSBA, said that Bob Anderson, executive director of MSBA, was actively involved in working on this agreement that developed as a result of the problem that arose last session. Last session the bill mandated that every district belong to a special education coop at a certain enrollment level and he said this bill does a good job of granting stability to the co-ops and at the same time it does not mandate that every district be in a co-op. Once a district is in, it is in for three years giving it stability. This is important to the directors and the staff.

He added that the amendment included takes care of a technical problem. The idea of a three year commitment, when the bill was drafted, was to be a notice provision in October of the last year. A member would have to give the co-op notice whether the three year contract was being continued or not. When the bill was drafted, there was a notice provision required in the middle year as well. This he thought was not intended because a school would not be certain in the middle of the contract what they were going to do and they had to give notice that was negative and turning around the next year giving a positive notice just to preserve the option. The mid year notice requirement caused much confusion. This bill would give a three year commitment by school districts and everyone is agreeable to this stability idea.

ELAINE COLIE of NCLRC, stated that they serve all schools in Cascade County except Great Falls and most schools in Choteau. She said as director for the last twelve years she knows this bill help her with recruitment. She said she has a problem trying to hire fragmented personnel. The same is true of speech personnel.

She pointed out that the coop she worked for was extremely stable for 10 years and last year three schools in Choteau County pulled out.

PHIL CAMPBELL of the MEA, stated that the MEA has also been dealing with special education coops for along time. Three sessions ago the MEA's goal was to restore and add stability to the co-ops and it was mandated that everyone would have to participate. The groups involved decided to make the co-ops equal and make them function the way they ought to.

MEA represents employees that work for the coops and the coop have not been good employers and this bill will be a step in the right direction in solving the problem.

DON WALDRON of SAM, stated that this bill with a notification will add stability to coops and they supported HB 449.

List of Testifying Opponents and What Group They Represent:

None

Questions From Committee Members:

Senator Blaylock ask if the reason this became an acceptable bill was that the district did not have to join.

Mr. Copps replied that this was correct.

Closing by Sponsor:

REPRESENTATIVE SCHYE closed and thanked the committee.

DISPOSITION OF HB 449

Amendments and Votes:

Senator Mazurek moved the amendment. (See Exhibit #1)

Senator Nathe called for the question.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote:

Senator Blaylock moved HB 449 as amended.

Senator Nathe called for the question.

THE MOTION THAT HB 449 BE CONCURRED IN CARRIED UNANIMOUSLY.



Senator Blaylock will carry HB 449 to the floor of the Senate.

HEARING ON HB 432

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE RALPH EUDAILY, House District #60, stated that this bill was requested by Montana AGATE, which is the Association of the Gifted and Talented Education. He explained that in 1979, a provision was passed which is included in Section 1 of this bill, where it says that school districts "may identify the gifted and talented students and devise programs to serve them. At this time he said, a small amount of money was appropriated to start these programs. Many school district have continued to have gifted and talented programs all these years.

He said that on Page 1, line 14, Section 1, it simply changes the word "may" and inserts "is authorized to." Basically, he said, this means that if the Board of Public Education adopts either a policy or an accreditation standard for the gifted and talented students, the school district is authorized to identify and devise the program to serve these students in conformance with the standard. Unless this change is made there will be a conflict in the law where there would be a standard calling for it and an option for them to get out by saying here is statute that says we may do it but we do not have to.

He concluded by saying that this bill is just saying let the gifted and talented be treated as any other program in the curriculum of the schools.

List of Testifying Proponents and What Group they Represent:

CLAUDETTE MORTON, Executive Secretary of the Board of Public Education  
JACK COPPS, The Office of Public Instruction  
KATHY PATTE, Treasurer, Montana Association of the Gifted and Talented Education and Principal, Monforton School, Bozeman, Montana  
BRANDON G. HANSON, Participant in the Gifted and Talented Program, School District #5, Kalispell, Montana  
JOSHUA DENNY, Sixth grader in the Gifted and Talented Program, Kalispell, Montana  
J. HENRY BADT, Montana Association of County School Superintendents  
ERIC FEAVER, The Montana Education Association

DON WALDRON, The School Administrators of Montana  
HARRIET MELOY, Advocate of the Gifted and Talented  
Program  
BRUCE MOERER, The Montana School Board Association

Testimony:

CLAUDETTE MORTON, (See Exhibit #1)

JACK COPPS of OPI, stated that this bill which simply says that the gifted and talented of Montana will be treated now no differently than any other child in Montana. There is a statute that calls for an appropriate education for the gifted and talented youngsters in this state and it says their special needs must be addressed. We can say then there is a constitutional mandate to drive these services, and he said they believe it is appropriate that OPI do so. This change in the bill would allow this to happen.

KATHY PATTE, (See Exhibit #2)

BRANDON G. HANSON, (See Exhibit #3)

JOSHUA DENNY, (See Exhibit #4)

HENRY BADT of the MACSS, stated that if anyone wonders why teachers stay in the profession as long as they do, it can be understood why after listening to these students.

He went on to say that if education is our future, if we are going to develop the capabilities and creativity of the students that are gifted, and if we are going to bring ourselves out of the problems that we have created as adults, we need the creative ability and the foresightedness of these students that are coming to our schools. He said he feels the gifted and talented are a neglected group of children. There are all kinds of recognition programs for all types of children, but the least recognized in our schools are the gifted and talented. We need he said, to do something about this for the sake of Montana's future.

ERIC FEAVER of the MEA, stated that he was delighted to support HB 432. The MEA has supported the gifted program in Montana for as long as it has been on the mind of educators.

He said he wanted to emphasize that the B of PE in its power to adopt accreditation standards is not in the MEA's mind to adopt standards that are beyond the scope of what school districts are already doing. Gifted and talented is on going and was here before the B of PE chose to adopt a standard which later was chosen to be put in the recommended column.

He pointed out that Project Excellence in its proposed standards which are now before the education community in this state does have a standard regarding the gifted and talented that will go into effect in 1992. This standard is in the Board's judgement and in the judgement of the MEA, not of a significant fiscal impact.

Therefore he said, HB 432 does not represent a fiscal impact as can be seen in the foreseeable future and the MEA hopes for a do pass recommendation.

DON WALDRON of SAM, stated that SAM thinks the bill should be passed to keep things in order and they feel that if the Board of Public Education brought down "a heavy mandate for accreditation standard" they would be coming back to the legislature asking for the funds, therefore they support this bill.

HARRIET MELOY stated that for twenty years she has worked hard on the Board of Public Education and she would like the policy to move right along. She said the gifted and talented programs should be moved to the fore forefront from where they are now. Five programs started the programs and now there are at least 500, because of the enthusiasm of teachers, parents, and the youngsters. She urged a favorable consideration.

BRUCE MOERER of the MSBA, supports the bill as its written which clarifies that if there is a gifted and talented program it has to be in compliance with the standards that the B of PE adopts. As long as there is additional funding, MSBA does support this bill and the legislature is encouraged to fund this program at the level it needs to be.

List of Testifying Opponents and What Group They Represent:

JULIE HAACKER, Parent

Testimony:

JULIE HAACKER, (See Exhibit #5)

Questions From Committee Members:

Senator Mazurek ask if the gifted and talented students were segregated in Kalispell.

Brandon Hanson replied that in Kalispell, the regular members that have been in the gifted and talented program since the 1st or 2nd grade, get the newsletter, but the

students in the other classes get a copy of the newsletter and if they want to be in the gifted and talented class, they notify their teacher.

Senator Mazurek added that any one who wants to participate can participate. He ask if this was done after school.

Brandon Hanson said that most of the GT class took place after school.

Senator Hammond asked if there was some testing to see if a student qualified.

Brandon Hanson replied that it was an enrichment program. Some students take classes that are not actually in the GT program.

Senator Pinsoneault asked Joshua Denny how he defined a "nerd."

Joshua replied that he thought a nerd was a person that does not care about anything except school.

Senator Pinsoneault asked him why he wanted to be an attorney.

Josh answered, "Because it would be fun and I want to be successful." Money he said played a part also.

Senator Hammond continued the questioning by asking if HB 432 was a mandate.

Rep. Eudaily replied that this bill by itself does not mandate anything until the B of PE adopts a standard or policy. Then it becomes a mandate, the same as math, history, computer studies, etc.

Senator Hammond ask if the program that was practiced in Kalispell would fit the mandate.

Rep. Eudaily replied that he was not sure that there were mandates that specifically defined gifted and talented. He said as he understood it, each school district designs its own program. The programs then are sent to OPI to qualify for money.

Claudette Morton commented that the current proposal for the gifted and talented is that the school will make an identifiable effort to provide educational services to GT students which are commensurate with their needs and foster positive self images. The schools she said, should outline those services in a district plan which includes the

identification of the talent areas and the student selection criteria according to a written program philosophy. This could mean quite a variety of curriculum reflecting the students needs, teacher preparation, criteria for formative and summative evaluation, supportive services, and parental involvement. She pointed out that this was the general kind of thinking.

Senator Hammond ask about the Kalispell program stating that he felt it was an enrichment program as he saw it.

Ms. Morton replied that from what had been said about it she felt it would fit into the bill.

Senator Blaylock ask, "If the B of PE adopts this bill, would they come in and ask for the money if it was being mandated that the program be expanded?"

Ms. Morton replied that under the "fiscal rule law," it requires in four areas that if the B of PE comes up with a rule that has a significant fiscal impact, the Board will come to the legislature for the funds.

Senator Nathe wondered if the truly gifted and talented would be determined if this bill was implemented. He said it is the "truly gifted" that should be aimed towards this rather than to an enrichment program.

Ms. Morton replied that the present program was pretty general. She said there was a lot of statistical information to show that the gifted are missed and paid for in the long run because "someone who had taught college, graduate school at Harvard or Yale and also in prisons, said the most gifted population was in prison." She said she felt these were the ones that are "really missed." They get bored in school and they find other things to do and they find the system does not work at all for them.

Senator Hammond commented that the bill says it will be authorized to identify gifted and talented children, now in the Kalispell program they have not identified anyone.

Senator Brown commented that he thought there was some testing that took place and the students that test high are encouraged to participate in to program. It is open though to any students that want to participate. They do focus on the level of thinking skills that would tend to challenge very bright kids. Some students that do not feel comfortable with the program do not stay with it. No one is required to.

Senator Hammond said that his concern was sending gifted and talented students off by themselves because they already suffer by being different from others. He said the only thing the gifted and talented ever flunk is recess. This must be guarded against and something must be done to make these students feel comfortable with their fellow students plus giving them the ability to work with people. He said he was not sure the gifted and talented programs have always done this.

Closing by Sponsor:

REPRESENTATIVE EUDAILY closed by thanking Joshua Denny and Brandon Hanson for testifying.

DISPOSITION OF HB 432

Discussion:

Senator Hammond was concerned that this bill was a mandate. He wondered if Kalispell's programs would qualify under authorization to find the gifted and talented.

Senator Mazurek explained that anyone can participate but students are tested to find them eligible for the designated programs. He knows the teacher in charge of the GT program in Kalispell and she has told him that the students were tested for eligibility but others that want to come along, can.

Senator Hammond said if mandated they will be pull-out programs.

Recommendation and Vote:

Senator Blaylock moved HB 432 be concurred in.

Senator Regan called for the question.

THE MOTION CARRIED 8 TO 1, WITH SENATOR HAMMOND VOTING NO.

Senator Nathe will carry HB 432 to the floor of the Senate.

HEARING ON HB 397

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE RALPH EUDAILY, House District #60, stated that HB 397 was requested by the Commissioner of Higher Education, of the Board of Regents. He explained that in the bill there were seven identical places in the bill that needed changes, by simply adding the words "University of Montana" right after "Western Montana College." He said there were legal reasons why this is a necessary bill.

List of Testifying Proponents and What Group they Represent:

LEROY SCHRAMM, Legal Council for the Board of Regents  
SHEILA STEARNS, representing the University of Montana

Testimony:

LEROY SCHRAMM of the B of R, explained the reason for this bill was to bring the statutes into conformity with what really has been done. The Regents, he said, about a year ago, voted to merge the two institutions and the name was chosen by the Regents to give to the school. The school (Western College) no longer has a President Mr. Schramm said, "The head of Western is called the Provost, who answers to the President of the U of M.

He said the process is slowly going on to integrate as many services as can be between the two schools and this hopefully will remove something that over the years will become an anachronism if left in the statutes.

Finally he explained that the bill does not remove Western as a unit. Right now the six units are listed in the first section of the bill. He said it remains to be seen over time whether or not it would have been more appropriate to take it out as a unit. To have done so may have caused a great deal of concern at Western and in the community itself. Therefore "for the moment," this is not a significant statutory change. It is a sign of some movement on the Regents level.

SHEILA STEARNS, with the U of M, spoke in favor of the bill. She explained that a bill such as HB 397 does raise some alarm with friends and supporters of Western Montana College, but the U of M's position about this merger is that they believe the U of M can work together with the Regents and Western to assure that through a combined program that the future of Western will be more assured and substantive, than it would be if it remained on its own administratively.

She said the merger is progressing quite well being six months into the merger, since the official starting date July 1, 1988. She said that much of last year was spent preparing for it and it will take some years she said to develop the full benefits and to feel the cost benefits, "but it is on the right track."

She went on to say that from the legal advisors they have been told that this change of statute with HB 397 is necessary, particularly in future cases of bonding and it is necessary that the official name of the unit be requested in statute as well as in the Regents policy.

List of Testifying Opponents and What Group They Represent:

None

Questions From Committee Members:

Senator Blaylock asked if the transferability of credits was working out.

Ms. Stearns replied that the transfer of credits has long since been achieved. They are working on a 2.2 transferability of a two year program in the education field that would be achieved with complete ease when transferring to the U of M. Other areas that are being worked on are a graduate program, graphic and fine arts programs, and a computer method to avoid duplication of records. Western and the U of M will no longer be duplicating a Master's program and they are working on both school's faculty being fully utilized.

Senator Hammond ask about the bonded indebtedness and the need for the change of name.

Mr. Schramm replied that although they are asking for the name change in statute, there would be no problem because the debts are the Regents on behalf of Western, and the name has no legal effect.

He went on to explain that the bond attorney could be told why Western is operating under a name different than the statute. What is said occasionally to a bond attorney is "we think the Regents have constitutional authority to make this change."



Senator Anderson commented that he has visited with Mike Easton, the Provost from Western, and was told by Dr. Easton that Western is doing very well, business is up and it looks exceptionally well for ext year. Already there is a large enrollment and the merger has created a good relationship with the U of M. This is a great thing for students because they can transfer their credits and also good for the students who live close to Western who want to get a college education, beginning at Western and finishing at the U of M, without loss of credits.

Senator Brown asked if there had been any cost saving as a result of this "marriage between the U of M and Western."

Ms. Stearns replied that although there has been some savings for the two schools it has been off set by increased travel costs. She explained that they have been tracking the percentages of the budget spent on administrative costs and at this point with a small school such as Western, the percentage of their over all budget spent not directly on instruction, is over the 50% mark. At the two big universities it is under the 50% mark. The goal is to absorb the costs especially with computerization, more and more of the administrative costs and faculty exchanges. In a three to six year range, it is hoped that the percentage of administrative costs is brought to less than 50%. It will not be seen that there is actual savings, but there will be better use of those dollars.

Senator Brown asked if this is a good concept that would make sense to making Northern College a satellite of Montana State University.

Ms. Stearns said that the strings with Western, the faculty, the students, and the community are very positive and she feels they have barely begun to scratch the surface of the positives of the merger, but makes no comment on his question.

Closing by Sponsor:

REPRESENTATIVE EUDAILY closed by calling attention to Section 3 of the bill, which concerns donation and Section 4, concerning the acceptance of public lands. He said he understood that the B of R has "Western Montana College and the University of Montana," as the legal name for what we know as Western. If someone wants to give some land, this land should be received in the college's legal name. Therefore this was another need for the bill.

He added that this was not the first change for Western because when he went to school at Western, it was known as Montana Normal College. He assured the committee, "Western" will always be known as "Western College." He concluded by saying the Section 5 of the bill, give the Code Commissioner the authority to make the name change.

DISPOSITION OF HB 397

Recommendation and Vote:

Senator Anderson moved that HB 397 be concurred in.

Senator Nathe called for the question.

THE MOTION CARRIED UNANIMOUSLY.

Senator Anderson will carry HB 397 to the floor of the Senate.

HEARING ON HB 455

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE TOM ZOOK, House District #25, stated that this bill is an attempt to put some common sense and fairness in the decision making process. This bill allows a student whose residence is more than three miles from a school of their own district, to attend a school that is closer, in another district.

This bill, he said, allows the parents to make the decision based on common sense and not on the size of the check book. As it is now, he explained, if a resident district is unwilling to pay the tuition that may be involved, parents have no choice. They pay the tuition themselves or send the children to the school in their own district regardless of how far away it may be. It becomes a choice for only those with large check books and he said he feels this is contrary to simple fairness or common sense.

He gave for an example, in eastern Montana, large school districts where a family may live six miles from a school in their own district and two miles from a school across the district line. In one case he said the tuition cost to go to the closer school was \$1700. He said he did not know how many students this bill involved.

He added that he had gotten a call from the superintendent at Centerville, Montana with concerns about the bill that it could affect the budget in this particular situation. He wondered if the committee would amend the bill similar to paragraph II of section 20-5-311, (sic). He left this decision to the committee. He also said it was pointed out to him that if in certain situations it could require the need of an exception to I 105. He suggested that Bruce Moerer could answer the committee's questions on this point.

List of Testifying Proponents and What Group they Represent:

None

List of Testifying Opponents and What Group They Represent:

None

Questions by the Committee Members:

Senator Blaylock asked when this bill was considered was there any thought that ANB might possibly be lost.

Bruce Moerer of the MSBA, said they did not have a position on this bill. He said he did see two separate sets of problems. One being at the high school level where some schools could for example come to Helena instead of Boulder but tuition is paid out of state equalization aid. This then is not a direct impact on the district. With the elementary where would have to pay tuition this is capped by I 105 and they have no where to go but the general fund because they have not had to pay in the past. So if there is a change, I 105 could be addressed. Elementary law allows an elementary child to follow the high school child to the new town. Elementary students though, are usually closer to their own school. This could open anew obligation on sending an elementary student and the ability to pay the tuition bill.

Senator Mazurek asked why it was necessary to have this bill effective on passage and approval.

Rep. Zook replied for the upcoming year. These applications, he said, must be in by July 1 and the transportation applications are expected by July 1. He feels that there would be a reduction in transportation by this bill.

Senator Farrell asked Don Waldron about a new bridge in a Missoula district and whether this bill could cause students at Target Range Elementary School to decide to go to

Hellgate Elementary just across a newly constructed bridge.

Mr. Waldron said that at the present time there were twelve families attending Hellgate from outside of the district.

Senator Farrell commented that several more could now come right across the bridge.

Mr. Waldron explained that they switched from an attendance agreement about six months ago because they do not charge tuition. He said he feels that the bills that "wipe out" tuition have a lot of merit, because there are going to be happier and more supportive people of the schools and the job will be done the way it is supposed to be done. "If I can not get kids enrolled to fill my school house, I am not doing my job and should get out of the business." Mr. Waldron said.

He went on to explain that the present attendance agreements say the transportation must be furnished by the parents, the child must behave, the parents must withstand any special education costs and there must be regular attendance.

Senator Regan asked when the equalization bill passes if this would not ease the whole question of tuition.

Senator Hammond replied that yes, this would do away with tuition, but special education will still be a problem.

Senator Regan commented that she had been told that parents with severely handicapped children have already moved into the district where the facilities are offered.

Senator Nathe commented that tuition might remain under the equalization bill. He thought that unless the legislature provides funds for all the schedules at 100%, tuition could not be wiped out.

Senator Hammond stated that the school districts were more interested in the ANB than tuition.

Closing by Sponsor:

REPRESENTATIVE ZOOK closed by thanking the committee.

ADJOURNMENT

Adjournment At: 2:55 pm

  
\_\_\_\_\_  
Senator H. W. Hammond, Chairman

HH/jh

Senmin.306

ROLL CALL

EDUCATION

COMMITTEE

51th LEGISLATIVE SESSION -- 1989

Date 3-6-89

---

NAME	PRESENT	ABSENT	EXCUSED
<u>Chairman Swede Hammond</u>	✓		
<u>Vice Chairman Dennis Nathe</u>	✓		
<u>Senator Chet Blaylock</u>	✓		
<u>Senator Bob Brown</u>	✓		
<u>Senator Dick Pinsoneault</u>	✓		
<u>Senator William Farrell</u>	✓		
<u>Senator Pat Regan</u>	✓		
<u>Senator John Anderson Jr.</u>	✓		
<u>Senator Joe Mazurek</u>	✓		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

March 6, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 374 (third reading copy -- blue), respectfully report that HB 374 be amended and as so amended be concurred in:

Sponsor: Peck (Mazurek)

1. Title, line 10.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 23, line 12.

Following: "date"

Insert: " -- applicability"

3. Page 23, line 13.

Following: "1989"

Insert: ", and applies to school budgets and foundation program support for school fiscal years beginning after June 30, 1990"

AND AS AMENDED BE CONCURRED IN

Signed: *H. W. Hammond*  
H. W. Hammond, Chairman

*H. e.  
3/7/89  
9:49  
a. m.*

SENATE STANDING COMMITTEE REPORT

March 7, 1929

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 449 (third reading copy -- blue), respectfully report that HB 449 be amended and as so amended be concurred in:

Sponsor: Schye (Blaylock)

1. Page 5, lines 21 and 22.

Following: "shall"

Strike: ";

(a)"

2. Page 5, line 23.

Following: "years"

Strike: remainder of line 23 through page 6, line 3

Insert: "."

AND AS AMENDED BE CONCURRED IN

Signed: H. W. Hammond  
H. W. Hammond, Chairman

J.C.  
4317189  
9



**SENATE STANDING COMMITTEE REPORT**

March 6, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 432 (third reading copy -- blue), respectfully report that HB 432 be concurred in.

Sponsor: Eudaily (Nathe)

BE CONCURRED IN

Signed: *H. W. Hammond*  
H. W. Hammond, Chairman

scrhb432.306

**SENATE STANDING COMMITTEE REPORT**

March 6, 1989

**MR. PRESIDENT:**

We, your committee on Education and Cultural Resources, having had under consideration HB 397 (third reading copy -- blue), respectfully report that HB 397 be concurred in.

Sponsor: Eudaily (Anderson)

**BE CONCURRED IN**

Signed: *H. W. Hammond*  
H. W. Hammond, Chairman

*y/c  
3/7/89  
9:44  
C.*

Amendment to HB 449 as introduced :

Page 5, line 21

Following: "shall"

Strike: ":"

Page 5, line 22

Strike: "(a)"

Page 5, line 23

Following: "years"

Strike: "; and"

Insert: "."

Page 5

Strike: lines 24 through 25

Page 6

Strike: lines 1 through 3



## Board of Public Education

SENATE EDUCATION

EXHIBIT NO. # 1

DATE 3-6-89

HB 432  
Claudette Morton  
Executive Secretary

432

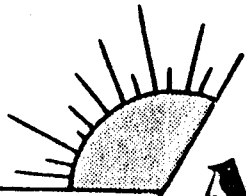
March 6, 1989

TO: Members of the Senate Education Committee

FROM: Claudette Morton *CM*  
Executive Secretary

RE: Testimony in Support of HB 432

The Board of Public Education supports Representative Eudaily's HB 432. As some of you know, the laws dealing with gifted and talented enacted by the Legislature in the past have presented some ambiguities for the Board. First, the Board has the legislative directive to adopt "standards of accreditation," and second, that it adopt "policies for the conduct of programs for gifted and talented children." In the 1983 session the Legislature specifically amended 20-2-121(11) MCA, through HB 196. That bill included a statement of intent which delegated rulemaking authority to the Board of Public Education to adopt policies for programs serving gifted and talented children and further said that the rules should address a policy statement fostering development of programs serving the gifted and talented. It would appear that when the Legislature added the '83 law they did not realize a conflict with the '79 one. The 1983 law implicitly repealed former statements by the Legislature to the contrary. Furthermore, to grant rulemaking authority to the Board in the area of programs for gifted and talented students and standards of accreditation on the one hand, and make adherence to those rules discretionary with the school districts on the other hand, would effectively nullify the legislative grant of authority. HB 432 simply corrects this inconsistency, and, therefore, we support its passage.



# Montana AGATE

Montana Association of Gifted and Talented Education



TO: Senate Education Committee Chairman and Committee Members

FROM: Kathy Pattee, Treasurer, Montana Association of Gifted and Talented Education and Principal, Monforton School, Bozeman

RE: HB 432

DATE: March 6, 1989

My name is Kathy Pattee. I am the State Treasurer for the Montana Association of Gifted and Talented Education and the Principal of Monforton School. Monforton School is a rural school of approximately 200 students five miles west of Bozeman. I am also the parent of a nine year old daughter that is currently being served by the Bozeman Talented and Gifted Program.

I am here to speak in support of HB 432. The constitution of Montana states under Article X, Section I that:

"It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state."

In order for us to meet this mandate we must offer programs for our bright students.

I often times tell our students that it is "okay" to be bright. That there are many students who wish school would come so easy. However, they don't see it that way. They feel they are expected to excel in all areas even though those of us in gifted education know that this is not always the case. They look at things differently so they know others must look at them differently. We owe our gifted children the opportunity to develop their full potential. They deserve equal educational opportunities which means an advanced and enriched curriculum (since many of them already know the regular curriculum), the opportunity to work with peers of like ability so that they are comfortable asking questions and seeing things differently, and the opportunity to be told it is "okay" to be bright and that they have nothing to hide.

In Montana State School Law, 20-7-901 we recognize the special needs of the gifted and talented. Areas of recognized giftedness often include: general intellectual ability, specific academic

aptitude, leadership, visual and performing arts and psychomotor ability. Many of our academically gifted children learn to hide their talents. It's our responsibility through programming to guide them just as we do our gifted athletes and gifted visual and performing artists they they have nothing to hide but should be proud of their gifts and accomplishments.

We owe our gifted children the same support we give our Special Education and Chapter I students. They all have very similar needs---they are just at opposite ends of the continuum.

I urge you to support HB 432 as it would eliminate confusion as to which agency is primarily responsible for authorizing school districts to serve gifted children. Its passage would help us to better serve Montana's gifted children---our future.

Thank you for this opportunity to share my views.

TO: Senate Education Committee Chairman and Committee Members

FROM: Brandon G. Hanson, Participant in Gifted and Talented Program  
School District #5, Kalispell

RE: Hcuse Bill 432

DATE: March 6, 1989

Chairman Hammond and members of the Senate Education Committee, my name is Brandon Hanson.

I am a participant in the Gifted and Talented Program in School District #5 in Kalispell. I am 12 years old and a 6th grader.

On behalf of the gifted and talented students in School District #5, I would like to speak in favor of House Bill 432.

This is a measure which will eliminate confusion about which agency is responsible for authorizing the school districts to support and serve gifted and talented students.

During the five years I have been involved with the GT program, I have attended many fun and educational classes and most of these classes have had a positive effect on me. These classes have covered such varied subjects as science, math, art, acting, sports, computers, politics, and history.

In my opinion, gifted and talented students need special attention. Some of these students are failing in school or their peers think they are nerds and subject them to constant put downs. Why? Because in many districts, gifted and talented students are not given the proper attention and support they need to succeed.

Being in GT has helped me succeed the way I want to. Sure, I've had my ups and downs, but I feel the program has made the up times possible and that extra support has been there during the down times. GT has helped me succeed in school and in life.

Other gifted and talented students should have the opportunities I have experienced. House Bill 432 will help identify those students and as our State Constitution promised, help to develop the "full educational potential" of each student.

I believe I speak for many in the Gifted and Talented Program in School District #5 in saying that House Bill 432 deserves your support as it is badly needed for our program and for the rest of the state.

Chairman Hammond and Senate Education Committee members, I would like to thank you for allowing me to express my views on the necessity for special programs for gifted and talented students in our schools.



To: House Education Committee Chairman and Committee Members  
From: Joshua Denney, a sixth grader in the Gifted and Talented Program in Kalispell, Montana  
Re: HB 432  
Date: March 6, 1989

Hi, I'm Josh Denney. I'm a member of the G/T Program and I thoroughly enjoy it. Therefore, I think it is terrible that it is considered a side show and not a part of the main act.

Over the course of history many gifted people such as Albert Einstein have had great difficulties in school and still succeeded. Others don't make it. They drop out of school for only one reason - boredom. Those people pay low taxes which means less dollars for Montana. Sure the G/T program may cost tax dollars now but when the children involved grow up they may become doctors and lawyers because of the G/T Program enhancing their minds. They will pay higher taxes and therefore easily pay back the debt.

Now I will share some examples of how the G/T Program has helped my brothers and I. I attended a newspaper course which really got me going in writing. I worked with a writer for the Daily Interlake. I have attended many computer classes which I enjoyed. I now am quite an adequate computer programmer. I am actively attending debate classes which are taught by the high school debate teacher. They also have kept my desire of wanting to be a lawyer going. I was in a court simulation in which I was a defense lawyer. Local lawyers greatly helped this to go smoothly. Viewing Judge Keedy's court in session at another G/T

activity also helped me be prepared for the simulation. I have attended G/T sponsored art classes and am now an improving artist.

My brother Jared is a fourth grader who has also grown from G/T. This is his explanation.

I am attending an Apple Logo computer class every Thursday. The class has taught me how to use new commands on Apple Computers. I went to a G/T class about a year ago at Radio Shack. I really enjoy G/T.

Even my first grade brother, Aaron, attends and enjoys G/T activities even though he is not an official member because of his age. I especially want my brother Tim, who now is in Readiness Kindergarten, to enjoy this program as much as I have. I hope my brothers and I will continue to have the opportunity to grow from it.

The main reason we moved to Kalispell is because of the G/T Program. But there are still people who don't have this opportunity. I want their children to learn and to grow as I have. It has become a part of my life. It is challenging, interesting, and enjoyable. If it didn't have the G/T program, school wouldn't have the same twang for me as it has now. To reword a line we have all heard: "A gifted mind is a terrible thing to waste."

HB 432  
Julia Hacker

SENATE EDUCATION

EXHIBIT NO. 5

DATE 3-6-89

FILE NO. HB 432

To the MEMBERS OF THE Senate Education Committee:

I would like to address two issues that I as a parent see as a product of the GIFTED AND TALENTED and SPECIAL ED programs in the public schools.

The first is an issue of segregation. We are a homogenous population--no one is exactly like an other. We all have to learn to get along in society and work with people of a variety of intellect. By segregating our children in the elementary schools we do not learn patience, understanding or tolerance or how to boost a fellow citizen whether it is in the work place or in the classroom. I believe every child in the public schools should be treated as a gifted and talented person and expected and encouraged to achieve to his maximum potential. By extracting funds, developing special programs, and treating children differently, the schools are promoting different levels of performance and signaling different expectations for the children. As far as I am concerned, we send out the message--You can soar like an eagle, You will just be an ordinary chicken, and another group is just a bunch of turkeys.

I believe that no child should be enrolled in special ed. unless he is genetically deprived and that training courses should be devised for that category.

Schools need to do a better job of teaching. Teachers like to teach smart kids but if the teachers do their job properly they can all be smart.

Segregation of children does not add to the individual's self-esteem. When children enter kindergarten they have an 80% self-esteem image and by the time they are in the 12th grad that personal view of themselves has dropped to 5%.

I hope you will think about this and not pass any more laws that will allow our schools to segregate learners and help to lower children's self-esteem. Please encourage the school system in our state to treat all children as gifted and talented and spend the money to raise the level of performance of all children.

Teachers

Administrators

- Create no new programs -  
under equalization  
provide stimulating, enriching environment for all children

DATE 3-6-89

COMMITTEE ON Education 1:00 (MWF)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Brandon Hanson	School District #5	432	✓	
Josh Deaney	School District #5	432	✓	
Jenny [unclear]	MACSS	432	✓	
Hillary Hanson	School District 5	432	✓	
Theresa Patten	School district #7	432	✓	
Robert [unclear]	Office of Public Instruction	449	✓	
Kathy Patten	MT ABATE-	432	✓	
Ric Floren	HAOZE	374	✓	
Jack Capps	OPZ	432	✓	
Jack Capps	GPZ	449	✓	
Scott Turner	Yellowstone County	455		✓
Julie Hacker	self	432		✓
Claudette Mottom	Board of Public Ed	432	✓	
Elaine Folie	NORTH CENTRAL LEARNING RESOURCE CENTER NCLRC Great Falls	432	✓	
Sheila Stearns	Univ of Mt	397	✓	
Phil Campbell	MEA	449	✓	
Cris Volinkaty	DD Lobbyist	449	✓	
Trudy [unclear]	MEA	432	XXX	
Bruce W. Maerer	MSBA 432 - support if needed	374 449	X X	
Don Waldron	S.A.M.	374 449 432	✓	*
	North Central Learning Resource Center			