

## MINUTES

### MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION

Call to Order: By Senator H. W. Hammond, Chairman, on  
March 15, 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, and Joe Mazurek

Members Excused: Senator John Anderson Jr.

Members Absent: None

Staff Present: Dave Cogley, Staff Researcher and  
Julie Harmala, Committee Secretary

Announcements/Discussion:

None

#### HEARING ON HB 569

#### Presentation and Opening Statement by Sponsor:

REPRESENTATIVE JERRY NISBET, House District #35, stated that this bill does two things; first, it incorporates into the statutes, the requirement that already exists in the administrative rules that the minimum of three of seven PIR days, be devoted to instructional and professional development or other appropriate in-service training for certified staff, and secondly, it prevents the closure of schools for the annual instructional and professional development meetings of the teachers organizations which have traditionally been held on the third Thursday and Friday in October.

#### List of Testifying Proponents and What Group they Represent:

ERIC FEAVER, The Montana Education Association

Testimony:

ERIC FEATHER of the MEA, stated that they rose in support of HB 569. It does exactly what Rep. Nisbet explained, placing in statute those standards and rules adopted by the Board of Public Education pertaining to PIR days and professional development. It does require that when schools close for purposes of professional development and that opportunity is offered, teachers and administrators shall attend or they shall not be paid.

He said this bill is quite consistent with what is practiced. What this bill will do though is prevent a school district from declaring those two days in October vacation days. The school district will no longer be able to add PIR on to the beginning or end of the school calendar, but in fact it will cause all school districts to close for purposes of pupil instruction related professional development, 2 days in October. Now some will say this bill is designed to enrich the Montana Education Association and the MEA would argue that it does not enrich the MEA at all, except when teachers attend the convention, they are enriched by the professional development opportunities that the convention offers.

He pointed out that the MEA convention is not truly an MEA convention because the MEA is more of an umbrella organization than it is the conveyor of specific professional development. The MEA has brought in joint conventions for Math, Science, Social Studies, English, Foreign Languages and The Montana Association of Coaches, etc.

He went on to say that many school districts and other curriculum groups still run their own conventions and professional opportunities during these two days in October, the Reading Conference, Vo Ag, Physical Ed, etc. These still tend to have their conventions separate from the MEA convention in other parts of the state. He said that these professional opportunities are available to all teachers. Some school districts along the hi-line in the Flathead Valley, because of distance, are offered a unified, vocalized, and regionalized professional development opportunity by the MEA or Vo Ag conventions. So in October the vast majority of teachers are in-service in professionally developed either at the MEA convention or various other conventions or at in-service provided by the school districts in various regional locations around the state. The teachers generally have a choice going to any one of these at the same to any one of these. At the same

time the MSBA, SAM, MFT also have their annual professional development and working conventions. There are differences in these constructs. The MEA is strictly professional development in October, there is nothing else to it. The last several years information has been provided on these convention. It is far different than it was ten years ago. It has become very popular and 3500 teachers have registered for the convention.

Great Falls is one of three Class I school districts that declares vacation for these convention days in October. What the various conventions are doing is subsidizing the state of Montana when it comes to professional development. The MEA is offering a legitimate opportunity for professional development at the MEA's expense. However when the convention is held in a city like Great Falls, where 800 teachers go on vacation for 2 days, it can be imagined that from an economic point of view, there are not the registerents as would be at Helena, Butte, Bozeman, or Billings. In these schools these are PIR days and teachers are appropriately assigned and on their own attend the convention for professional development purposes. It is incumbent on the profession to in-service itself. This is the primary definition of a professional. If continued educational development is not engaged, then it could not be called a profession. The MEA, MFT, The Reading Conference, and MAST are trying hard to in-service and professionally develop teachers so classroom instruction will be ever better for the children they serve having two days in October that is guaranteed for every school district, for every teacher to enjoy and it not only is an opportunity but also a necessity.

He said he hoped that the committee would concur in HB 569 and give a strong recommendation to it to the full Senate.

List of Testifying Opponents and What Group They Represent:

BRUCE MOERER, The Montana School Board Association  
DON WALDRON, Chairman for The School Administrators of  
Montana

Testimony:

BRUCE MOERER of the MSBA, stated that they strongly oppose HB 569. Even with the representations to the contrary, he said they did not see it as anything other than an enrichment, financially, to the MEA. He said the MSBA does acknowledge an improvement in the MEA convention over the last several years and it does a good job. They also acknowledge that there is a need for professional

development for teachers and administrators. It is necessary and vital, but the B of PE already requires three days of professional development.

He referred to Page 1, Lines 19-21 of HB 569, and stated that the language here was unnecessary. These days are already available with the accreditation standards. What this bill really is he said is a direct attack on those schools who close during the annual days for the MEA convention. This bill removes all the flexibility that a school district has to plan professional development based on its own local needs and if they are on a schedule, this may not fit for a particular district. Also he said this is not cost effective if a district has to have professional development for only those remaining teachers that do not go to the MEA convention. Many of these districts may want to use the professional development days for their own local needs if they want to implement new curriculum or new disciplinary policies. They will be paying double to go over the same professional development when the teachers get back from the MEA convention.

He said that there is also a problem in that this bill tends to put the calendar in the hands of the teachers organizations because this is not just limited to the MEA convention. If Page 2, Lines 8-9 are looked at, there are more than just the MEA and more than just the two days in October that the conventions can be held, so scheduling could be a problem. Schools may want to have the dates at the front of the year or at the end. The MSBA is concerned about all the meetings scattered around throughout the year. This problem should be handled locally for what time and meeting would be best.

In closing Mr. Moerer requested that the committee give HB 569 a do not pass recommendation to preserve the flexibility that the local school boards have now and will need for professional development in the future.

DON WALDRON of SAM, stated that they opposed this bill for one more reason and that is, is that this is an item that is subject of negotiations and some of the bargaining contracts have these days and some do not. For this reason he said he thought it should be left to the local teachers, administrators, and boards to work this out. He said he was also concerned about that there are school districts that use one of the days not both of the days and there are others that operate and actually hold in-service sessions and they have those as vacation days and professional teachers attend. In Missoula these days are in-service, with 70% of the teachers staying home and we have to worry about getting the information to the other 30% when they

come back. He said he felt it should be left to the local discretion and local negotiations and he urged the committee to oppose HB 569.

Questions From Committee Members:

Senator Brown asked about Line 19-20 on Page 1 of HB 569, if the same language was currently in the administrative rules of the B of PE. Mr. Feaver replied that yes it is and the days can be taken any time during the school's calendar year. There is no requirement that they be in October this is how Great Falls can call these "vacation days."

Senator Brown asked if there was a financial advantage for a school district to declare these two days in October as vacation days. Mr. Feaver explained that Great Falls has a different way of applying for and receiving aide regarding PIR days. This bill Mr. Feaver said does not specifically address Great Falls, these days are part of the two that could be called "flex days" of the seven PIR. The Great Falls school district will receive ANB payment according to the percentage of teachers who attend and even though Great Falls have vacation during the two convention days in October, it will pay an hourly wage to teachers who will attend the convention. The hourly wage is significantly less than the hourly wage that would be annualized of a teachers regular salary. Great Falls then pockets the difference on ANB.

Senator Brown asked if Great Falls got ANB for those days and if this is the way they make money from this vacation. Mr. Feaver replied, "Yes."

Senator Pinsoneault asked about the involvement of the school of education in Missoula and what part they played in the professional development of the convention. Mr. Feaver replied that they are involved along with the other universities through the curriculum groups that the MEA works with membership includes beyond K-12 and they are frequently involved in conventions.

Senator Pinsoneault asked that if it is assumed that the school year ends in June and presumes the first of August there are about eighty-eight days that are available. He wondered why periods during the school year were picked for professional training. Mr. Feaver said that these days have been on the calendar since statutes began and there is something to tradition, "October is an excellent time because school has begun and feet are down and the lay of the land is understood. It is good time to look for innovative ideas.

Senator Mazurek asked if this time is declared a vacation he wondered if the teachers were under any obligation to attend an in-service session at some time. Mr. Feaver replied that school districts must offer professional development and if this is a part of the school's 187 day calendar, 7 days being PIR, with 3 days being for professional development, the teacher must attend or will not be paid. Yes they have to attend.

Rep. Nisbet said that a teacher from Great Falls is not obliged to go to a convention because these days in Great Falls are "vacation days." The school district does not pay him as a teacher. He said if this bill passes the teachers would have to go. Right now if the convention is attended, a Great Falls teacher may file a claim of up to six hours a day, at \$7.00 an hour.

Senator Brown asked if that these are vacation days for teachers, without pay, does the school district continue to receive ANB money from the state. Mr. Waldron stated that this was a misleading statement because there are seven PIR days, with three of these days being used for in-service. He said if Great Falls has this as vacation days, they still put on three in-service days for all of their teachers. This is what they are paid for, this is a separate thing. If a teacher is on vacation, this does not count as a PIR day. This can be used as an individual quest day where they substitute this for one of the in-service day. This is not necessarily paid ANB district wide because some attend the convention.

Senator Brown asked if it was true that the three school districts receive state equalization moneys for these days which they declare to be vacation days. Mr. Waldron replied that they do not receive money for vacation days. They may be calculating this in because they are required to meet the state's obligation of three in-service days.

Senator Hammond asked if Great Falls had to get a certain percentage of teachers who wanted to attend the convention in order to be able to attend. Mr. Feaver replied that this was correct.

Senator Pinsoneault asked why keeping teachers professionally advised was left up to the MEA. Mr. Waldron replied that less than half of the teachers attend the convention, and the districts themselves are doing "the bulk of the in-service." The universities are not doing what they probably should be doing.

Harry Erickson, Superintendent of the Belgrade Schools, said that they are a school district that does pay for the MEA

days and they also have in-service on the days. He said the very idea that the MEA is the only one putting on in-service is not correct, because Belgrade spent \$5000 for just one in-service day this fall. The teachers and administrators work all year long setting up the in-service program, finding out what the community needs are and what the school's target is. He said they do not want this to be taken away. He wondered if a person does not attend the convention, if they would get docked according to this bill. He added that a district would then be required to attend, then the expenses will have to be paid by the district to attend the convention. The MEA's convention he said should be good enough on their own merits to attract attendees rather than legislating them into the organization.

Senator Mazurek explained that the bill did not require them to go to the MEA convention. In the bill they just are not given vacation days. There still can be local in-service days.

Rep. Nisbet explained that this bill does not change this. In a school that does not declare vacation days, the teachers in these schools must attend either the convention or some other in-service program or they will lose their pay. This bill does not change this. The only thing this bill changes is that it requires that the schools close and either offer in-service training in the school or the teachers have to go to a professional meeting.

Mr. Waldron commented that this bill says that there is no longer an option for when a school puts on the in-service. They are made to put on their in-service during the MEA convention.

Senator Regan said in the bill it says a minimum of three days in-service is required. She wondered if there could be more days. Mr. Waldron replied that a school could have seven, but there must be orientation, record keeping, and parent conferences included in those seven days.

Closing by Sponsor:

REPRESENTATIVE NISBET in closing pointed out that in the first section of the bill nothing is changed that is not already practiced. He said it simply emphasizes the fact that the minimum of three days be devoted to instructional and professional development meetings and this is important enough to be included in statute. It just emphasizes the importance of these days.

He explained that in Section 2 of the bill, the only thing it does that is different from what is done now, is that it

precludes school districts (Great Falls) from closing schools and declaring vacation days on in-service days.

#### HEARING ON HB 597

#### Presentation and Opening Statement by Sponsor:

REPRESENTATIVE PAULA DARKO, House District #2, stated that she is bringing this bill before the committee and it does two things; first, it requires that school districts establish a policy for assessment of students who are entering public school from a non public school setting and this language has been amended to be "assessment" rather than "testing" and to be "non public schools" rather than "home schools." Secondly, this bill requires annual reporting for those families who choose not to put their children in the public schools. Right now she said as the current law stands, families have to report only once and this is at the time the children's education begins in the home school. She said that the county superintendents feel this should be an annual report that they report each fiscal year to the county superintendent, that they are home schooling their children.

She explained that she had originally put in a generic request and a group got together in Superintendent Keenan's office and the bill came about as a result of a problem encounter in her district. There was a student enrolling from a home school and when the student was placed in the secondary school in order to be given credit so he could qualify for graduation he had to be assessed.

She said she felt it would be good to have standard policies statewide so that it does not vary from school district to school district. She said she purposely changed the bill so that it would not be aimed just at home schools, but to include all those coming from non public schools.

She said she wanted to answer one question ahead of time and when going through the process of accreditation and how credits are transferrable in public schools. She said it can be assumed that the student does have the proficiency that is stated on the transcript but when the student is coming in from non public schools this is not the case. This is one of the privileges of going through the accreditation process, to have this transferability.

She explained that they got away from the word "testing," because testing is not always absolutely necessary in assessment. The bill has milder language now, but still



meets the needs that are seen statewide. She said the biggest thing this bill would accomplish is the annual reporting.

She said that she has met with the educational community and there will be a study during the interim on home schooling. She said she knows home schoolers feel under attack, but she said this is not the purpose of this bill. This suspicion needs to be eliminated and bill like HB 597 do a lot for dispelling this.

List of Testifying Proponents and What Group they Represent:

KAY MCKENNA, Lewis & Clark County Superintendent  
BOB ANDERSON, The Montana School Board Association  
HELEN WILLIAMS, Jefferson County Superintendent  
DOROTHY LAIRD, Flathead County Superintendent  
GREG DANELZ, Valley County Superintendent  
HOLLY KALECZYC, The Office of Public Instruction  
ERIC FEAVER, The Montana Education Association  
DON WALDRON, The School Administrators of Montana

Testimony:

KAY MCKENNA stated that she supported HB 597 with the amended changes. She agreed with changing non credited and non public instead of home schooling because it makes the bill far less discriminating. Changing "testing" to "assessment" gives school districts more flexibility. Presently there are 8,532 children taught by home schools or in private schools. Many of these curriculums do not mesh with those of the public schools and many of the children return to the public schools after only one year of home schooling.

She said from one of her own studies she found that 70% of the students in Lewis & Clark County that are registered in home schools, return to public school after one year.

She said she supported the addition of the words "...each school fiscal year," because this law means that home schoolers would have to notify the county superintendents each fiscal year. Many county superintendents would like to make this more concise and require it in writing but serious home schoolers do this anyway and this lends a lot of credibility to the home schooling program. It gives the county superintendents a chance to plug them into what ever programs are available in the public school system. They can be offered testing, resources, and the opportunity to attend an all school track meet.

She said that there were only twenty-six registered home schools. She has lost track of about twenty-three home schooled children, so it can be understood why it is important to have annual reporting. The law presently is very sketchy and it does not explain who will insure the 180 day requirement for attendance or who will insure that the school is safe or who will oversee the curriculum. Most county superintendents take this as their own responsibility and on the whole home school parents are terrific and respond positively on the county superintendents request. The only home schools that really oppose an annual notification are those that wish to keep Montana law, the loosest law on home schools in the United States. She said this bill unfortunately is not for the fine home schools, it is for those that can not be found. There is no school census and there is no way of knowing where these children are. The OPI insists that county superintendents offer them statistics in October and this can not be done since they have not all reported. Before local school districts get money for Chapter I sign offs, the home schoolers need to be registered.

She hoped for a do pass on HB 597.

BOB ANDERSON of the MSBA, stated that this now is a compromise bill and we would have liked to see stronger requirements and on Section 1 of the bill, the association of trustees are gearing up to deal with these new policies that will assist school boards to develop policies for home schooling.

HELEN WILLIAMS (See Exhibit #1) supports HB 597 and said that 90% of the home schoolers in Jefferson County are excellent about recording. This bill however is addressed to the people that do not ever report and is a way to keep track of missing children.

She said she would like the bill to be amended to read "report to the county superintendent in the home county." This bill would also be a way to prove that non public school children did indeed attend a school.

DOROTHY LAIRD stated that everyone should be aware that at the present time there are over 150 students in Flathead County that are being home schooled.

She said that record keeping for the county superintendents becomes a nightmare and this annual notification is very important. She reminded the committee that in the bill "notify" means "notify," not "register."

GREG DANELZ said wanted to speak to the annual notification provision. He said that in Valley County there is a high turn over and several transients in the home schooling population.

HOLLY KALECZYC stated that Superintendent Keenan was pleased with those involved in the home school programs and she believes that many of the problems with home schooling have become institutionalized. She is also pleased with the changing of "testing" to "assessment." Superintendent Keenan said we all want any child to be placed in the most appropriate classroom or setting and OPI believes that annual reporting is very reasonable as well as being better for health and safety reasons.

ERIC FEAVER of the MEA, stated that they supported HB 597 and hoped the committee would concur in it.

DON WALDRON of SAM, also supported HB 597.

List of Testifying Opponents and What Group They Represent:

None

Questions From Committee Members:

Senator Pinsonneault asked about the white Aryan nation and the intrusion into Montana by those from Idaho and Washington. If these people want to register as a home school, he was concerned as to what these children would be taught at home. He ask if it was the role of the legislature to control this right wing element by requiring that teachers for the home schoolers be certified. Ms. Williams replied that there would be no way to be assured that a certified teacher feels the same way about such groups. Generally speaking there has been no indication that this is taking place.

Senator Blaylock asked if everyone was happy with the bill now. Rep. Darko replied yes because of the changing the language and the non public vs. home schooling was changed. She said that there has been an agreement reached that any kind of difference will be worked on through the interim.

Steve White of the Home School Coalition, stated that there is a very good relationship with home schoolers and superintendents. As years go by it get even better, there now is curriculum that was not available in past years and conventions are being held for the home schoolers.

He said the interest is to work with Nancy Keenan and other folks at OPI to see to it that non public schools are held accountable for the children (our number one asset). If these parents thought they were holding their children back from advancement in education, they would be the first to want to "bow out."

Senator Farrell pointed out a technical error on Line 16, where "testing" needed to be changed to assessment.

Closing by Sponsor:

REPRESENTATIVE DARKO closed by thanking all the county superintendents for attending. She said she appreciated the working relationship she had with the home school people and she added that she saw nothing wrong with including an amendment concerning home counties.

She urged the committee for a favorable consideration.

HEARING ON HB 618

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE TED SCHYE, House District #18, stated that this bill is the foundation bill. This particular bill is for only one year of funding for 1990, with a 4% increase over the current schedule.

He said we all had a good idea what was going to happen with the law suit. One area of concern is whether it could be implemented to equalize by the first year of the biennium. The school people's consensus was that it could not be implemented by the first year with the way it is going now with the debates and the arguments and the problems. He said this bill is essential for this school year because the schools now are in their budgeting process. They have to have an idea of what is going to go on. This is a 4% increase in the schedule.

(See Exhibit #1) This he said is one step in the equalization, which is going to have to be put in this session, It of course can not be implemented this coming year. It will kick in the second year of the biennium. This is a good bill because schools will be able to use this and go from there. This is not a side step from the equalization problem, this is just one piece of the puzzle for equalization, funding for just one year.

List of Testifying Proponents and What Group they Represent:

PAT MELBY, Representative for the plaintiff schools in the underfunded law suit.  
BOB ANDERSON, The Montana School Board Association  
DON WALDRON, The School Administrators of Montana  
HOLLY KALECZYC, The Office of Public Instruction  
KAY MCKENNA, Lewis & Clark County Superintendent of Schools  
ERIC FEAVER, The Montana Education Association  
TERRY MINOW, Montana Federation of Teachers  
TONY CAMPEAU, The Board of Public Education  
HENRY BADT, Montana Association of County School Superintendents

Testimony:

PAT MELBY stated that on behalf of the plaintiffs they support HB 618 with the understanding that this bill is an integral part of an overall school funding equalization plan which will ultimately be devised by the legislature consistent with the education community's consensus.

He said they believe that a new funding system will provide sufficient funding for quality education on an equalized basis that can be phased in. He said he thinks it is clear that at this date it must be phased in because there is no way this complex and difficult issue can be addressed by July 1, 1989.

Mr. Melby stated that an increase in the foundation program for 1990 is absolutely essential. This is not the answer to equalization. It is only a minute increase to a problem that goes beyond this and hopefully the equalization plan will be going into effect in 1991. There is no reason for the schools to suffer with a 0% increase in the foundation program for the coming year.

He urged the committee's support and concurrence.

BOB ANDERSON of the MSBA, stated that the bill addressed the need for additional funding for next year. This is part of an overall consensus adopted by the educational community. Even though this bill does not solve the problem it addresses the critical need for schools next year and it does so in an equitable manner. The additional money would be distributed in the foundation program which is held to be constitutional even though the over all system was not. Since the foundation program provides slightly over one half of the total funding, a 4% increase translates to approximately 2% increase in funding, this is in the range

of increases considered for state employees. This is not extravagant in light of the increases of the foundation program schedules over the last three years which were 1%, 0%, and 0% respectively. Obviously the schools have had to keep up with inflation. He said the timing of this bill was critical because school districts are now setting their voted levies for the next year and plans are being made to hire or lay off teachers. Schools need to know as soon as possible what next year's state funding will be in order to properly budget and plan for the next school year.

He went on to say that not only has the foundation program failed to keep up with inflation recently, but schools have been hard hit by I 105, the property tax freeze. Property tax collections by school districts have declined by 22 million dollars in the first year alone following the passage of 105. Teacher salaries have declined significantly the last several years when compared to other states, dropping from 24th to 37th nationwide.

He explained, as a first step in developing a new constitutional funding system to help preserve the school system that we have in Montana, we can not let the system decline while preparing to implement a new funding plan.

He urged the committee's support of our children, our schools and HB 618 and to rise above the partisan gamesmanship, which has been played so far this session and pass this bill to the Senate floor with a do concur recommendation and send a strong message to the elementary and secondary schools in Montana that the Senate is ready to support them.

DON WALDRON of SAM, (See Exhibit #2)

MIGNON WATERMAN (See Exhibit #3), which are budget figures for School District #1.

HOLLY KALECZYC of OPI, stated that the Office of Public Instruction has received hundreds of phone calls which are from school trustees and school administrators. They are largely asking for three things; first what is going on with equalization, secondly they urge us not to have any changes in their budgeting processes for next year because their processes are almost complete and lastly they give examples of the cut backs in their school districts.

KAY MCKENNA pointed out that Lewis & Clark county has zero reserve, and county superintendents look at the numbers every single month for every single district, and she said she personally visits every school in her county. She has seen all the maintenance programs that have been put on hold

for the last two years because of I 105 begin to show.  
This is causing serious infrastructural problems.

ERIC FEAVER of the MEA urges that the committee pass a do  
concur.

TERRY MINOW of the MFT, (See Exhibit #4)

TONY CAMPEAU stated that the B of PE would like to go on  
record in support of HB 618.

HENRY BADT representing MACSS, stated that the excess school  
funds may have been used up and they are now in need of more  
funds in order to adequately teach the children of Montana.

List of Testifying Opponents and What Group They Represent:

WAYNE PHILLIPS, representing Governor Stan Stephens

Testimony:

WAYNE PHILLIPS stated that Governor Stephens supports  
education and he recognizes the financial pressure on  
education. The support that Governor Stephens has given to  
education does not contradict his opposition to HB 618. He  
has a constitutional duty and this duty was clearly defined  
by the Supreme Court on February 1, 1989. The Supreme Court  
said the education system will be equalized by July 1st. The  
Governor has proposed a plan to do this and any plan that  
truly deals with equalization includes the Governor's plan.  
No plan that has been seen that truly deals with  
equalization has included a 4% increase the first year. The  
very groups that have demanded that the Supreme Court add an  
increase are the groups who have spent hundreds of thousands  
of taxpayers dollars to force this legislature to equalize  
the educational system in Montana, now they are coming  
before the legislature to support this bill.

He went on to say that this bill does absolutely nothing for  
equalization and at the hearing in the House, little or  
nothing was said about the response to the criticism that  
this bill does nothing for equalization. Now we hear that  
it does and they have had no specific arguments addressing  
why it assists in moving toward equalization. What it does  
is spend 11 million dollars that we do not have and it makes  
equalization that much more difficult and more expensive to  
attain.

This bill also raises the question, that if it is impossible  
to implement equalization at this time then why is it  
possible to implement an influx of this amount of money. We

are under a court order and it seems that this is forgotten. The groups who support this bill today are of course demanding that at least 100 million dollars be spent more than the Governor has planned and now they want 11 million dollars, this is essentially ignoring the court order. Despite their pronouncements about equities, they really want more money and this is what this bill boils down to. To propose this bill while seeking cost restructuring that calls for equalization, to have the audacity to recommend more money, in the Governor's words, is unconscionable. There are welfare needs in this state and there are state employees. If these groups are willing to face the prison guards, the nurses at Warm Springs, the employees at state institutions and thousands of other state employees who have done good work and say we want ours and you can not have yours, then give them this 11 million dollars.

Mr. Phillips stated that in the name of fiscal responsibility, this is the time for hypocrisy to be announced. We must reserve our resources to equalize the education system which must be done in this session. This bill makes this equalization harder to accomplish and he said on behalf of Governor Stephens, they recommend a do not pass for HB 618.

Questions From Committee Members:

Senator Mazurek said that in Helena there are programs that are being eliminated. There are no longer any after school programs, they share a PE teacher with three other schools and basic college preparatory courses are being lost and he said he is amazed that Mr. Phillips would say that this is hypocrisy to come in and ask for money to save basic music, basic college prep classes and people in this community voted in a special levy on this in hopes to keep things going until the legislature would give some sort of an increase. He asked why this was unreasonable to try to save valuable programs and basic needs of this community. Mr. Phillips replied that the Helena school district was one of the ones that sought this law suit, they won, and looking at the figures there is going to have to be additional money spent in the state of Montana. Montana just can not afford at this time to spend 11 million dollars that does not address the problem that the Supreme Court says we have to address.

Senator Mazurek stated that there will be two bills before the Senate today that will raise about 50 million dollars in one time revenue and would it not be appropriate to spend some of this money for education. These are tax collection bills. Mr. Phillips said the Governor would love to see this if there were not other demands. This money went to



balance the budget which was also required by the constitution.

Senator Regan asked if this money is being used to balance the budget is not a bigger hole being dug for the next session. What is a reasonable approach is to use one time money for one time shots and then there is a real balanced budget. In terms of this meeting the mandate most assuredly our schools are underfunded because of the lack of providing adequate support in the foundation program. She asked Mr. Phillips to comment on taking this appropriation and putting the money in the areas where the schools are underfunded. Mr. Phillips replied that this was an excellent suggestion and if the committee would be willing to address equalization through the money called for by this bill, this would be a very good step forward. This would assist the House in determining what would be a good equalization plan. Any thing that deals with equalization will meet the Governor's support.

Senator Farrell asked about high spending school districts having to cut back, would it not be appropriate to put more money in the low funded school districts in this bill right now rather than fund every school including the high spending ones. Rep. Schye replied that right now this bill should pass in the form it is in. If that battle is gotten into of changing who needs the money and who does not this funding will never be funded. It was not the scheduling, it was not the foundation program that was unconstitutional, it is the voted levy above this.

Senator Farrell asked what the difference is if Helena is forced to cut funds or a rich school district has to cut funds. Rep. Schye replied that the question of equalization could be argued all day. He said he does not want the rich schools to equalize down, he wants to equalize up on the top not on the bottom.

Senator Farrell asked why not use this bill to equalize. Rep. Schye said he does not feel this has to be done with this bill. This bill with the 4% increase is dealing with the foundation program which is not unconstitutional.

Senator Blaylock asked when the equalization problem is looked at there is absolutely no way to get this in force by the time the school get their budgets made. So if this 4% is gotten to give some life blood to our schools why not go ahead with this. Mr. Phillips replied that the notion is a cost of 175 million dollars that has to be gotten to solve this problem and no matter what we do this puts a pinch on everything. There are taxpayers that are saying do not raise our taxes and this is going to have to be done.

Giving 11 million dollars more does not address the problem. The Governor feels that it is his duty to get this problem taken care during this legislature and not mandate it.

Senator Pinsoneault asked Pat Melby to comment on Senator Regan's suggestion to take these funds and distribute them among the have nots. Mr. Melby replied that this bill is not intended to be an equalization bill. If we tried to devise a graduated procedure to distribute funds we would never get out of here. This is simply a stop gap of a cost of living increase given to schools that have not had but a 1% increase for the last three years in the foundation program. The Governor's proposal would take another \$200,000 out of the Helena school district next year. This just penalizes schools even more. This is the difference between a 4% increase for 1990 and the Governor's proposal is a 0% increase.

Closing by Sponsor:

REPRESENTATIVE SCHYE closed by saying that we all have seen the battles of equalization right here today and with this bill we want to stay out of the battle. This bill will be one little piece of the plan that will be in by July 1st. It will go into effect and have the schools set for 1990, the rest of the plan has to be there to kick in thereafter. The plaintiff schools are the ones that brought this case to court and now we have to live with it but it is not in the decision that equalization has to implemented by July 1. The plan can be there, it can be phased in and this is one piece of this plan that can benefits all schools for this next year.

Montana has always prided itself in its schools and its products of these schools. This is slipping and once this slips it is real hard to pull back up. He said let us keep this up and make sure it does not slip away from us. This bill needs to be out so the schools know what is going to happen this first year, then let us get to work on the equalization plan. This bill is essential for the students in Montana, not the trustees, administrators or teachers but the students need this bill.

HEARING ON HB 646

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE DAVE SIMPKINS, House District #39, stated that this bill has no money attached to it. This came about because of a newspaper article that said schools were

removing Bibles from their libraries. He said there is a problem with the way statutes are written with the law basically written in a way that contradicts our own constitution.

The Montana state constitution has one sentence that has caused a great deal of confusion. It simply states, "No sectarian tenets shall be advocated in any public educational institution of the state." When this was put into law there was a statement made that this meant that there would not only be no secretariat or denominational publications in the school, they could not be distributed nor could they be in the library. Therefore people have interpreted this to mean there can be no religious materials in the school libraries and they started removing them.

The way the law is written, if enforced, libraries would be forced to remove the Bible, the Koran, any religious works, Indian history and culture, the colonialization of America, Christmas stories, mythology, philosophical works, the encyclopedias, and the dictionaries. This is the library association's interpretation. He said he went back to the constitutional conclave and these people simply stated that the intent was to keep the public school teacher from teaching his particular religious tenants in a classroom and this is the way it has been interpreted in the courts, therefore the people in the constitutional conclave felt that they did not want to eliminate the books, they just did not want one person teaching one particular religion to a class.

He went on to say that the question then came up about the constitutional ruling on the Bibles and religious materials in schools, simply stated "In addition it might well be said that ones education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historical qualities. Nothing we have said here indicates that such study of the Bible or of religion when presented objectively as part of a secular program of education may not be affected consistently with the first amendment." As long as it is a religion or program of cultural history it is fine. The Library Association says also that the Bible should be in every library for reference purposes.

Therefore one small change has been made in HB 646, where it has been clarified to make it sound more like what the constitution reads and what the people of the conclave actually had in mind. It was simply stated that "A publication of a sectarian or denominational character may

not be distributed in any school. Instruction may not be given, advocating sectarian or denominational doctrines." The main portion of the bill is a clarification that simply states, "This section does not prohibit a school library from including the Bible or other religious material adding cultural, historical, or educational significance."

List of Testifying Proponents and What Group they Represent:

RICHARD MILLER, Montana State Librarian  
BRYAN ASAY, The Montana Family Coalition  
DEBRA SCHLESINGER, Legislative Chairman for the Montana Library Association

Testimony:

RICHARD MILLER, (See Exhibit #1)

BRYAN ASAY, (See Exhibit #2)

DEBRA SCHESLINGER stood in support of HB 646.

List of Testifying Opponents and What Group They Represent:

None

Closing by Sponsor:

REPRESENTATIVE SIMPKINS closed by saying the they tried to write this bill in such a way that libraries could turn down weekly periodicals that come through.

DISPOSITION OF HB 646

Recommendation and Vote:

Senator Mazurek moved that HB 646 be concurred in.

Senator Nathe called for the question.

THE MOTION CARRIED UNANIMOUSLY.

Senator Regan will carry HB 646 to the floor of the Senate.

ADJOURNMENT

Adjournment At: 3:00 pm

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

HH/jh

Senmin.315

ROLL CALL

EDUCATION COMMITTEE

511th LEGISLATIVE SESSION -- 1989

Date 3-15-89

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 15, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 646 (third reading copy -- blue), respectfully report that HB 646 be concurred in.

Sponsor: Simpkins (Regan)

BE CONCURRED IN

Signed: *H. W. Hammond*

H. W. Hammond, Chairman

*Y.C. 3/16/89  
8:03  
a.m.*

EXHIBIT NO. 11

NAME: Wendy Williams

DATE DATE 3/15/89

BILL NO. HB 597

ADDRESS: Box 4, Courthouse, Boulder

PHONE: 225-4251

REPRESENTING WHOM? MACSS

APPEARING ON WHICH PROPOSAL: SB 597

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: a means of reporting - means of reporting - means of reporting of non-attendance school school & to keep a handle on missing children.



Montana House of Representatives  
 School Foundation Program  
 Fact Sheet

SENATE EDUCATION  
 #1  
 EXHIBIT NO.             
 DATE 3-15-89  
 BILL NO. HB 618

Fiscal Year	CPI % Chg.	Schedule % Chg.
79	9.42%	7.00%
80	13.28%	8.00%
81	11.60%	10.00%
82	8.66%	18.00%
83	4.36%	15.00%
84	3.67%	4.00%
85	3.93%	3.00%
86	2.84%	4.00%
87	2.21%	1.00%
88	4.14%	0.00%
89	4.65%	0.00%
=====		
90	4.85%	4.00%
=====		
Cumulative		
Increase 79-89	93.61%	94.09%
Increase 79-90	103.00%	101.85%
=====		

Maximum General Fund Budget Without a Vote

Estimated Cost FY 90 @ 4%	\$289.489 M
Estimated Cost FY 90 @ 0%	\$278.355 M
Estimated Increase	\$11.134 M
=====	

School Foundation Program FY 90

Estimated General Fund @ 4%	\$33.702 M
Estimated General Fund @ 0%	\$22.568 M
Estimated Increase	\$11.134 M
=====	

Revenue Estimate Changes From LFA

Estimated General Fund REC	\$1,198.352 M
Estimated General Fund LFA	\$1,156.728 M
Estimated Increase	\$41.624 M
Estimated Foundation REC	\$796.517 M
Estimated Foundation LFA	\$790.544 M
Estimated Increase	\$5.973 M
Total Increase	\$47.597 M
=====	

*Handwritten notes:*  
 total general fund  
 \$47.597 M  
 \$47.597 M

# HELLGATE ELEMENTARY SCHOOL

DISTRICT NO. 4

2385 FLYNN LANE

MISSOULA, MONTANA 59802

Established in 1869

K-5th PRINCIPAL 721-2160  
6th-8th PRINCIPAL 549-6109

SENATE EDUCATION  
EXHIBIT NO. 2  
DATE 2-15-89  
BILL HB 618  
SUPERINTENDENT 728-5626  
BUSINESS OFFICE 728-5626

March 15, 1989

Senate Education Committee  
Senator Hammond, Chairman

Re: House Bill 618

Dear Senator Hammond:

As legislative chairman for the School Administrators of Montana, I want to express SAM's support for the 4% increase in the school foundation program contained in HB 618. The past four years have been difficult for school budgeting. The lack of increase three out of the last four years from the legislature has drained reserves to a point that would be alarming to this committee if they knew all the facts. For example, a district in my county has survived on their reserves; and at this point, they have 3% reserves balance. Without an increase in the foundation program for the 1989-90 school year, they will be unable to fund their present program after draining all their reserves.

The public schools need your help. Even if it is only a one year fix until you meet your obligations under the present court order for state equalization. The School Administrators thank you for your time and attention to this urgent matter of a one year increase in the foundation program.

Thank you,



Donald R. Waldron  
Legislative Chairman  
School Administrators of Montana

**Over One Century of Quality Education**

## RESOLUTION

**WHEREAS**, the Montana Supreme Court has determined that Montana's system of public school funding denies the right of equal educational opportunity for students as guaranteed by Article X, Section I, of the Montana Constitution; and,

**WHEREAS**, the Montana Supreme Court ordered that a plan to revise the current system of school funding be developed by the Legislature but did not specifically order immediate partial or full implementation for the 1989-90 school year; and,

**WHEREAS**, the legislative response to the Supreme Court is incomplete and requires further deliberation; and,

**WHEREAS**, fragmented efforts to fund and equitably distribute the state's share of the cost of education by July 1, 1989, will be untimely and may further broaden the disparities of available per pupil spending between districts; and,

**WHEREAS**, school districts across Montana must now proceed in preliminary budgets for the 1989-90 school year using traditional funding methods and revenue sources,

**THEREFORE, BE IT RESOLVED** that the impact of equalization not be implemented until the 1990-91 school year and that current state earmarked revenue sources for the Foundation Program remain or be replaced dollar for dollar per district.

**FURTHER, BE IT RESOLVED THAT** for the 1989-90 school year, the Foundation Program Schedules be adjusted by a 4 percent inflationary factor to allow school districts to maintain effort.

IN WITNESS HERETO on the 14<sup>th</sup> day of March, 1989.

HELLGATE ELEMENTARY BOARD OF TRUSTEES:

David Theroin Chau  
Kay C Cain  
Donald Spitzer

**BUDGET INFORMATION****1989-90**

	<u>H. S.</u>	<u>ELEM.</u>	<u>TOTALS</u>
<b>Deficit</b>	\$900,000	\$800,000	\$1,700,000

**Areas of Significant Increase**

a. Utilities	\$ 60,200	\$ 90,125	\$ 150,325
b. Salaries	337,000	586,000	923,000
c. Asbestos Abatement	60,000	65,000	125,000
d. Supplies, Travel, Equipment, Books, etc.	<u>53,900</u>	<u>40,185</u>	<u>94,085</u>
<b>Total:</b>	<b>\$511,100</b>	<b>\$781,300</b>	<b>\$1,292,400</b>

<b>1988-89 Reductions</b>	\$692,174	\$667,539	\$1,359,713
---------------------------	-----------	-----------	-------------

<b>Emergency Levy</b>	-0-	\$259,560	\$ 259,560
-----------------------	-----	-----------	------------

<b><u>1%</u> increase in foundation program schedules raises:</b>	\$51,000	\$76,700	\$127,700
---	----------	----------	-----------



# MONTANA FEDERATION OF TEACHERS

AMERICAN FEDERATION OF TEACHERS, AFL-CIO

SENATE EDUCATION

EXHIBIT NO. 4

3-15-89

HB 618



Box 1246

Helena, Montana 59624

(406) 442-2123

Jim McGarvey  
President

March 15, 1989

Testimony of Terry L. Minow, Montana Federation of Teachers, for House Bill 618 before the Senate Education Committee.

Mr. Chairman and members of the Senate Education Committee:

My name is Terry Minow and I represent the Montana Federation of Teachers. I appear before you today in support of House Bill 618 and adequate funding of the foundation program.

The 4% increase proposed in the bill was designed to keep public education funding in step with inflation. The bill will help school district budgets from falling behind when confronted with the increasing costs of educating our children. Unfortunately, the bill's 4% increase will amount to only a 2% increase for the school districts because the foundation program provides approximately 50% of total school funding. The 4% increase is the absolute minimum increase acceptable to school districts struggling to ward off the ill affects of inflation.

I would also urge this committee to act on this bill with haste. Schools are in the midst of preparing budgets and are also apprehensive about the impending changes brought about by the equalization formula. The passage of House Bill 618 would allow those preparing the school budgets to get this year's budget out of the way and afford them time to prepare for next year's equalization changes in accounting procedures, retirement, transportation, insurance and funding in general.

An additional suggestion I would like to make is that this committee resist attempts to place caps in the bill. Caps on top of inadequate funding and in conjunction with Initiative 105 is the worst of combinations in terms of producing sufficient resources with which budgets are designed.

Lastly, I would urge this committee to maintain the bill in its current form instead of weighting the formula. Equalization, as you all well know, is a notably complex issue currently being dealt with in another committee, and should not be addressed in this particular bill.

Schools are suffering as a result of underfunding and House Bill 618 will alleviate at least part of their problem. Please take this opportunity to ease the burden school districts are now carrying and give House Bill 618 a favorable recommendation.

MONTANA STATE LIBRARY

STAN STEPHENS, GOVERNOR

1515 E. 6TH AVENUE



STATE OF MONTANA

(406) 444-3115

HELENA, MONTANA 59620

Testimony on HB 646  
March 15, 1989  
Before Senate Education & Cultural Resources

I speak in support of HB 646 in its provisions which allow the presence of the "Bible and other religious material having cultural, historical or education significance."

These materials are part of our culture, and of the culture of other lands. Our children must have access to these materials if they truly are to be educated and knowledgable about our culture, and others around the world.

These materials in the library are there for students who wish to use them. Their presence in the library is not to promote any particular point of view. The library is neutral territory.

I ask this committee, as state librarian, to pass HB 646. Our school libraries need to be able to provide access to religious materials for the purposes specified.

Richard Miller, State Librarian



Kelley Law Firm:  
Douglas B. Kelley  
Bryan L. Asay

March 15, 1989

Senator H. W. Hammond, Chairman  
Senate Education and Cultural Resources Committee  
Capitol Station  
Helena, Montana 59620

Re: HB 646

Honorable Chairman, Members of the Committee:

My name is Bryan Asay, and I represent the Montana Family Coalition. I present this testimony today in favor of HB 646 on behalf of the Montana Family Coalition.

As this committee certainly is aware, a deputy county attorney in Missoula recently issued an opinion that section 20-7-112, MCA, "prohibits religious material of any description" in libraries or classes of a public school. The Bible is not now, nor has it ever been, a sectarian or denominational publication. A "sect" as defined in Black's Law Dictionary is as follows:

"As applied to religious bodies, a party or body of persons who unite in holding certain special doctrines or opinions concerning religion, which distinguish them from others holding the same general religious belief."

A publication with sectarian character would be a publication which is advocating or promoting the interest of a particular sect.

Although the deputy county attorney's opinion was erroneous, that opinion has been widely publicized throughout Montana in the last few weeks. This legislation introduced by Representative Simpkins is necessary to set the record straight and to clarify the language of the statute so that Bibles will not be ripped out of school libraries all across Montana.

In a recent case, issued on January 5, 1989, Judge Finesilver of the United States District Court, District of Colorado, discussed this very issue and determined that the establishment clause of the United States Constitution does not require that religious books be removed from school libraries. He also concluded, "The Bible has a legitimate place in [the school library] collection." I have made copies of

**Kelley**  
**LAW FIRM**

1900 Flowerree  
Helena, Montana 59601  
(406) 442-0770

that portion of the Judge's opinion, and have attached it to my testimony for your convenience.

Also attached for your information are the following:

(A) Article of 1/24/89 from the Great Falls Tribune.

(B) Copy of letter from the President of the Montana Library Association to Representative Richard Nelson.

(C) Copy of several pages from "Guide to Reference Books" from the American Library Association. This exhibit reflects the types of publications that would be prohibited from school libraries in Montana if the Condon area's interpretation is allowed to stand.

(D) An excerpt of an opinion from the U. S. Supreme Court in School District of Abington Township v. Schempp. In the second page of the Schempp opinion, the Supreme Court explains a constitutional use of the Bible in the public schools.

The Montana Family Coalition strongly urges your support and a do-pass recommendation for HB 646.



# Obscure state law bans Bible from schools

## Statute surfaced in debate over Gideons' speaking at Condon elementary school

CONDON (AP) — The Bible is officially banned from the schools at Condon — along with all other sectarian religious publications, and the Gideon Society to boot.

"We have to take our stand, and our stand is to obey the law," said School Board Chairman Lee Tiffin. "The community agrees with that."

The state law he referred to surfaced in the wake of complaints from Vince and Joanne Mordja after representatives of the Gideons spoke to a sixth-grade class and distributed Bibles at Swan Valley Elementary School in December. One of the Mordjas' two sons in the school took home one of the Bibles.

Other school and county officials in Missoula County, although expressing surprise that the 41-year-old law exists, agreed that it apparently does bar the Bible and all other religious works from the public schools, including their libraries.

"I think the law basically prohibits religious materials of any description" in libraries or classes, said Deputy County Attorney Michael Sehstedt. He and County School Superintendent Rachel Vielleux said they would leave enforcement up to local school boards.

At the state Office of Public Instruction in Helena, Library-Media Specialist Margy Rolando said she had never heard of the law in her three years as state school-library coordinator.

"I don't know what to make of it," she said.

She agreed that Bibles and other religious or "sectarian" reading materials probably could be found in school libraries all across the state.

The Mordjas, longtime residents of the Swan Valley, asked the Condon school board in December to fire Principal Dan White for allowing the Gideon representatives into the school.

The Gideon Society, a non-denominational Christian group of businessmen, distributes free Bibles to motels and hotels across America.

"We knew that it was against the law — that the Bible was not supposed to be passed out in the public schools," Vince Mordja said. "I was raised a Catholic. I believe in the Lord Jesus Christ and the Holy Scriptures. But I don't believe in what's going on here. Religion is something that should be taught at home."

The statute, 20-7-112 in the Montana Codes Annotated, reads:

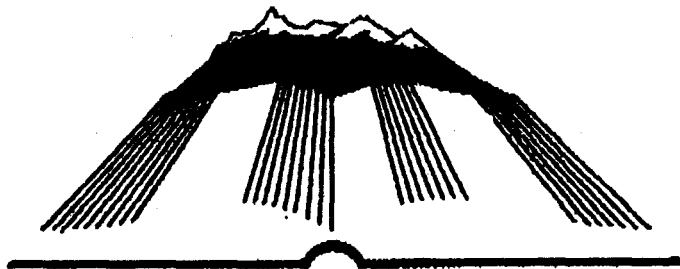
"No publication of a sectarian or denomina-

tional character shall be used or distributed in any school or be included in the school library. Instruction shall not be given in sectarian or denominational doctrines. However, any teacher, principal, or superintendent may open the school day with a prayer."

The part that allows a teacher or administrator to open each school day with a public prayer is unconstitutional under current U.S. Supreme Court rulings banning organized prayer in public schools, Sehstedt said.

Black's Law Dictionary defines "sectarian" as anything "used to describe the activities of the followers of one faith as related to those of adherence to another. The term is most comprehensive in scope."

White, a teacher at a Seventh-day Adventist school before he came to Swan Valley Elementary three years ago, told the school board at a crowded meeting last week that he was unaware of the law. He said he was wrong to invite the Gideons into a class, and he apologized, but noted that Gideon Bibles had been passed out each year in the school long before he came to the Swan Valley.



## MONTANA LIBRARY ASSOCIATION

TO: Representative Richard Nelson  
FROM: Georgia Lomax; President, Montana Library Assn.  
Flathead County Library  
247 First Ave. E.  
Kalispell, MT 59901  
756-5688

RE: MCA 20-7-112

1/27/89

Thank you for your phone call regarding MCA 20-7-112, "Sectarian publications prohibited and prayer permitted."

The Montana Library Association strongly endorses your efforts to amend this provision to exclude school libraries from the prohibition against use of sectarian or denominational publications.

If enforced as it now reads, school libraries would be forced to remove not only the Bible, the Koran and other religious works, but Indian history and culture, history (colonization of America), Christmas stories, mythology, philosophical works such as Kahlil Gabril's The Prophet, encyclopedias and dictionaries, etc.

The intent under which any materials are available in a school library is not to promote or teach a particular point of view, but to reflect a part of our cultural literature and heritage. School libraries select material so students may learn about their history, their culture, their world and themselves. A good library must include important works of literature, the writings of the world's great philosophers and the records of civilizations.

The revisions you have suggested are much needed. I would suggest that you might also want to examine use of the word "used" in the first sentence. Would that still imply that it includes library materials? Perhaps using language that states the type of use prohibited would be helpful (to promote or encourage a particular sectarian or denominational belief?).

Again, thank you for being aware of our concerns and of the services we provide. Extend my thanks to Representative Simpkins, as well.

EXHIBIT "C"

# Guide to Reference Books

*Tenth Edition*

---

*Edited by*

EUGENE P. SHEEHY

*With the assistance of*

RITA G. KECKEISSEN

EILEEN McILVAINE

DIANE K. GOON  
*Columbia University Libraries*

JANET SCHNEIDER  
*University Library  
University of Michigan, Dearborn*

*Science, Technology, and Medicine  
compiled by*

RICHARD J. DIONNE

ELIZABETH E. FERGUSON  
*Kline Science Library  
Yale University*

ROBERT C. MICHAELSON  
*Seeley G. Mudd Library  
for Science & Engineering  
Northwestern University*

AMERICAN LIBRARY ASSOCIATION

*Chicago and London 1986*

1st ed. 1960.

Lists more than 4,500 items—books and periodical articles—about Nietzsche. Arranged by language, then alphabetically by author within each language group. New listings since the 1960 edition are grouped mainly in a separate sequence (again by language of the article) at the end, items 4001–4566. A subject index has been added. Z8628.N5R4

## Plato

See also BA10.

Ast, Friedrich. *Lexicon Platonicum; sive, Vocum Platoniarum index*. Lipsiae, Weidmann, 1835–38. 3v. (Repr.: N.Y., B. Franklin, 1969) BA123

Josef Zürcher's *Lexicon academicum* (Paderborn, Verlag F. Schöningh, 1954. 36p.) serves as a supplementary dictionary of Greek proper names. B351.A72

McKirahan, Richard D. *Plato and Socrates: a comprehensive bibliography, 1958–1973*. N.Y., Garland, 1978. 592p. (Garland reference library of the humanities, v.78) BA124

Supplements the bibliography "Plato (1950–1957)" by H. F. Cherniss which appeared in *Lustrum*, v.4–5 (1959–60). Separate sections for Plato and Socrates, each topically subdivided. Author index. About 4,600 items. Z8696.M34

Martínez, Julio A. *A bibliography of writings on Plato, 1900–1967*. [San Diego], San Diego State Univ. Lib., [1978]. 94p. BA125

A selected list of books and periodical articles, useful to undergraduate and graduate students alike. In two sections: (1) general works on Plato; (2) works on the individual dialogues. No index. Z8696.M37

Yale University. Library. *The Plato manuscripts; a new index*. Prep. by the Plato Microfilm Project of the Yale University Library under the direction of Robert S. Brumbaugh and Rulon Wells. New Haven, Yale Univ. Pr., 1968. 163p. BA126

"This *Index*, based on a new cataloguing from microfilm of the extant pre-1500 manuscripts containing Plato's works in whole or part, is a necessary first step toward the complete reediting of a new edition of Plato's works."—*Introd.* Manuscripts are listed by library and by dialogue. Z6616.P57Y35

## Thomas Aquinas

See also BA10.

Deferrari, Roy Joseph and Barry, Sister M. *Inviolata. A lexicon of St. Thomas Aquinas based on the Summa theologica and selected passages of his other works. . . . With the technical collaboration of Ignatius McGuinness*. [Wash., Catholic Univ. of America Pr., 1948–53] 1185p. BA127

Issued in 5 fascicles.

Arranged by Latin words, with their different English meanings and with Latin quotations from the *Summa theologica* and indications of exact sources. B765.T54D38

— A complete index of the *Summa theologica* of St. Thomas Aquinas. [Baltimore? 1956] 386p. BA128

An *index verborum*, prepared in conjunction with the authors' *Lexicon of St. Thomas Aquinas* (above). BX1749.T61D4

*Index Thomisticus: Sancti Thomae Aquinatis operum omnium indices et concordantiae in quibus verborum omnium et singulorum formae et lemmata cum suis frequentis et*

*contextibus variis modis referuntur quaeque auspice Paulo VI Summo Pontifice consociata plurimum opera atque electronico IBM automato usus digessit Robertus Busa. Stuttgart-Bad Cannstatt, Frommann-Holzboog, 1974–80. 49v. and 7v. suppl. BA129*

Provides for the scholar a sophisticated computer-produced linguistic analysis of 118 writings of St. Thomas Aquinas and of 61 other works associated with the *corpus thomisticum*, documenting the vocabulary and usage of 179 Latin works from the 9th to the 16th century. Introductory matter in Latin. Supplement contains the text of all works analyzed. Main set in three parts: Sectio I, Indices (i.e., tables of all works included, with specifying codes), 10v.; Sectio II, Concordantiae operum Thomisticorum, 31v.; Sectio III, Concordantiae operum aliorum auctorum, 8v.

A further example of computer applications in the field of philosophy and religion is provided by *A concordance to the works of St. Anselm*, ed. by G. R. Evans (Millwood, N.Y., Kraus Internat. Pubns., 1984. 4v.). B765.T53Z83

Mandonnet, Pierre Félix and Destrez, J. *Bibliographie thomiste*. 2. éd. rev. et complétée par M. D. Chenu. Paris, J. Vrin, 1960. 119p. (Bibliothèque thomiste, 1) BA130

1st ed. 1921.

A classified bibliography of 2,283 books and articles published before 1921, the appendix to this edition adding only earlier works omitted from the original edition. Includes materials on the life, works, philosophy, theology and influence of Aquinas. Indexed. Z8870.M27

Supplemented by:

Bourke, Vernon Joseph. *Thomistic bibliography, 1920–1940. . . . The modern schoolman, supplement to v.21*. St. Louis, 1945. 312p. BA131

Lists more than 6,660 books and periodical articles in various languages. Classified arrangement with indexes. Z8870.B67

Mlethe, Terry L. and Bourke, Vernon J. *Thomistic bibliography, 1940–1978*. Westport, Conn., Greenwood Pr., [1980]. 318p. BA132

Continues the Bourke compilation (above). Lists nearly 4,100 items in classed arrangement, with personal name index. Detailed table of contents, but no subject index. Z8870.M33

## B B

## Religion

◆ In the field of religion, both Christian and non-Christian, reference materials are very extensive. They include encyclopedias, dictionaries, directories, and manuals in English and in other languages, which should be acquired by libraries according to need.

A basic working collection of materials in English might include: *Encyclopaedia of religion and ethics* (BB51); the *New Catholic encyclopedia* (BB439); *Encyclopaedia Judaica* (BB580); one or more editions of the Bible and concordances to them (see p.347–48, 352–54); *The interpreter's dictionary of the Bible* (BB167); Stevenson, *Home book of Bible quotations* (BB147); Julian, *Dictionary of hymnology* (BB341); *World Christian encyclopedia* (BB250); *Yearbo*

of *American and Canadian churches* (BB347); and whatever denominational yearbooks are needed.

Large libraries, and libraries specializing in religious materials, will need to add many of the more specialized works, including some of those in foreign languages.

## GENERAL WORKS

### Guides

Adams, Charles Joseph, ed. *A reader's guide to the great religions*. 2d ed. N.Y., Free Pr., [1977]. 521p. BB1

1st ed. 1965.

A bibliographic guide to the history and traditions of the world's principal religions. Chapters by specialists on primitive religion, the ancient world, Mexico, Central and South America, Hinduism, Buddhism, Sikhs, Jainas, religions of China and Japan, Judaism, Christianity, Islam. Appendix: "The history of the history of religions," by C. H. Long. Author and subject indexes. Z7833.A35

Kennedy, James R. *Library research guide to religion and theology: illustrated search strategy and sources*. Ann Arbor, Mich., Pierian Pr., 1974. 53p. il. (Library research guides ser., no. 1) BB2

A manual, principally for the undergraduate, on methods of searching topics in religion and theology and on writing term papers. Includes information on use of the card catalog, basic reference tools, choosing a research topic, evaluating sources. BL41.K45

Wilson, John F. and Slavens, Thomas P. *Research guide to religious studies*. Chicago, Amer. Lib. Assoc., 1982. 192p. (Sources of information in the humanities, 1) BB3

In two parts: (1) Introduction to religious scholarship (a series of bibliographic essays on various aspects of the study of religion) and (2) Reference works (with general works grouped by type, followed by works on particular religions subdivided by type; all entries are annotated). Indexed. BL41.W5

### Bibliography

Barrow, John Graves. *A bibliography of bibliographies in religion*. [Ann Arbor, Mich., Edwards Bros., 1955] 489p. BB4

Based on the author's doctoral dissertation, Yale University, 1930.

A comprehensive work attempting "to bring together all separately published bibliographies in the field of religion" (*Pref.*), from the 15th century to the present, and in many languages. Primarily Christian, but with a brief section on non-Christian religions. Brief annotations. Chronological listing under subject fields, with author index. Locates copies in numerous American and European libraries. Z7751.B33

Belt-Hallahmi, Benjamin. *Psychoanalysis and religion: a bibliography*. Norwood, Pa., Norwood Eds., 1978. 182p. BB5

"This work covers those writers that follow psychoanalysis as formulated by Freud and his recognized disciples. . . . Works inspired by the theories of Jung and Adler were not included."—*Introd.* Emphasis is on works which have religion as their main topic, and "most works included are attempts to relate religion and psychoanalysis in a meaningful way." Items are first listed in a classed arrangement, then citations are repeated in full in a so-called "Alphabetical listing and index." Z7204.P8B43

Berkowitz, Morris I. and Johnson, J. Edmund. *Social scientific studies of religion: a bibliography*. [Pittsburgh], Univ. of Pittsburgh Pr., [1967]. 258p. BB6

A classified bibliography of some 6,000 items. Emphasis is on English-language studies which relate religion to other social-behavioral variables. Covers through 1965. Author index. Z7751.B47

*Bibliographie zur alteuropäischen Religionsgeschichte*. Berlin, W. de Gruyter, 1967-74. 2v. (Arbeiten zur Frühmittelalterforschung, Bd. 2, 5) BB7

Contents: v.1, 1954-64, ed. by Peter Buchholz (subtitle: *Literatur zu den antiken Rand- und Nachfolgekulturen im aussermediterranean Europa unter besonderer Berücksichtigung der nichtchristlichen Religionen*); v.2, 1965-69, ed. by Jürgen Ahrendts (subtitle: *Eine interdisziplinäre Auswahl von Literatur zu den Rand- und Nachfolgekulturen der Antike in Europa unter besonderer Berücksichtigung der nichtchristlichen Religionen*).

5,298 items in v.1; 7,628 items in v.2. Classed arrangement within geographical divisions. Author and subject indexes. Z7757.F9B5

Bowman, Mary Ann. *Western mysticism: a guide to the basic works*. Chicago, Amer. Lib. Assoc., 1978. 113p. BB8

A selective bibliography "designed as a guide to the literature for reference librarians in academic, public, and church-related libraries; undergraduate students; and general readers."—*Pref.* Classed arrangement. Author-title and subject indexes. Z7819.B68

Capps, Donald, Rambo, Lewis and Ransohoff, Paul. *Psychology of religion: a guide to information sources*. Detroit, Gale, [1976]. 352p. (Philosophy and religion information guide ser., v.1) BB9

A section of general works in psychology of religion is followed by sections for each of the six "dimensions" of religion: the mythological, ritual, experiential, dispositional, social, and directional. Each section has four to eight subsections, and there are author, title, and subject indexes. Materials are largely limited to publications from the period 1950-74, with fuller coverage for 1960-74 inasmuch as W. W. Meissner's *Annotated bibliography in religion and psychology* (BB17) is very comprehensive for the earlier years. Books and articles of special merit are annotated. Z7204.R4C36

Diehl, Katharine Smith. *Religions, mythologies, folklores: an annotated bibliography*. 2d ed. N.Y., Scarecrow Pr., 1962. 573p. BB10

1st ed. 1956.

An annotated bibliography covering the "literature of faith and practice in all cultures. It includes books of general and specific reference, literatures, literary and historical guides, various scriptures and commentaries, records of institutional accomplishment, and biographies."—*Pref.* Classified arrangement with author and title index. Z7751.D54

Earhart, H. Byron. *The new religions of Japan: a bibliography of western-language materials*. 2d ed. Ann Arbor, Center for Japanese Studies, Univ. of Mich., 1983. 213p. (Michigan papers in Japanese studies, 9) BB11

1st ed. 1970.

Expands the earlier edition to include about 1,450 books, articles and dissertations on nineteenth- and twentieth-century religions of Japan. Classified arrangement; author and subject indexes. Z7834.J3E2

Gorman, G. E. and Gorman, Lyn. *Theological and religious reference materials: general resources and biblical studies*. Westport, Conn., Greenwood, [1984]- . [v.1]- . (Bibliographies and indexes in religious studies, 1) (In progress; to be in 4v.) BB12

Aims to introduce "students to the full range of reference materials likely to be required in theological or religious studies" (*Pref.*) but is addressed also to scholars and clergy. An "international and interdenominational" selection of 2,200 annotated entries representing many points of view. Includes general reference books, general theological materials and biblical resources arranged alphabetically by author in broad categories, subdivided by form. Length

Churches for Wales, the Irish Council of Churches, the London Yearly Meeting of the Society of Friends, the Methodist Church of Great Britain, the Presbyterian Church of England, the British and Foreign Bible Society, the National Bible Society of Scotland."—*p.ii.*

The Oxford study edition of the *NIB*, with Samuel Sandmal as general editor, M. Jack Suggs, New Testament editor, and Arnold J. Tkacik, Apocrypha editor (N.Y., Oxford Univ. Pr., 1976. 1036p., 257p., 333p. [100p.] maps) includes introductions to individual books and groups of books as well as general background articles on Scripture; there are also annotations throughout "dealing with literary, historical, theological, geographical, and archaeological aspects of the text, and . . . cross-references" (*Pref.*) to related passages. An index of people, places and themes in the Bible is provided, as well as maps with index.

5. *Douay Bible*, the 16th-century Roman Catholic translation of the Latin Vulgate. It differs from the Protestant Bible in the number and order of the books, and in the fact that the Apocryphal books are accepted as canonical and are interspersed with the other books. Also known as *Douay-Rheims Bible*.
6. *New American Bible*, "translated from the original languages with critical use of all the ancient sources by members of the Catholic Biblical Association of America; sponsored by the Bishops' Committee of the Confraternity of Christian Doctrine."—*Pref.* (N.Y., Kenedy; London, Collier-Macmillan, 1970) A new translation intended for contemporary American readers; it incorporates (with certain revisions) those portions of the Old Testament published in the "Confraternity edition" (Paterson, N.J., St. Anthony Guild Pr., 1952-69). A new edition is in preparation.
7. *Jerusalem Bible* (Garden City, N.Y., Doubleday, 1966). Derives from the French version edited at the Dominican École Biblique de Jerusalem and known as *La Bible de Jerusalem* (Paris, Éditions du Cerf, 1956, etc.). The introductions and notes are "a direct translation from the French, though revised and brought up to date in some places" (*Foreword*), but translation of the Biblical text goes back to the original languages. A new edition entitled *New Jerusalem Bible* was published 1985.
8. *Jewish version*. Good reference editions of the English translation of the Old Testament, first published in 1917, then 1955, are available. The new translation by leading contemporary Jewish scholars was published by the Jewish Publication Society, Philadelphia (1962-82 in 3v.); *The Torah* (1962; 2d ed., 1967), *The Prophets* (1978), and *The Writings* (1982).

A convenient collection of various English translations of the New Testament is the *New Testament octapla*, ed. by Luther A. Weigle (N.Y., Nelson, 1962). Versions represented are: Tyndale, Great Bible, Geneva Bible, Bishops' Bible, Rheims, King James, American Standard, Revised Standard.

Among other good modern translations of the Bible the following are notable: *Moffatt Bible* (N.Y., Harper, 1925); *Complete Bible, an American Translation: the Old Testament*, tr. by J. M. Powis Smith; the Apocrypha and New Testament, tr. by Edgar J. Goodspeed (Chicago, Univ. of Chicago Pr., 1939); *New Testament in modern English*, tr. by J. B. Phillips (N.Y., Macmillan, 1958; rev. ed., 1972); the translation from the Latin Vulgate, by Ronald A. Knox (N.Y., Sheed & Ward, 1954); and the *New International Version: the New Testament* (Grand Rapids, Mich., Zondervan, 1973), published under the sponsorship of the New

York Bible Society International. (The last named version was completed in 1978 with the publication of The Old Testament.)

Herbert Dennett's *A guide to modern versions of the New Testament: how to understand and use them* (Chicago, Moody Pr., 1966) provides historical and descriptive notes on the various versions, together with some assessment of the quality of each. Similarly, for the Bible as a whole, *The word of God: a guide to English versions of the Bible*, ed. by Lloyd R. Bailey (Atlanta, J. Knox Pr., 1982) presents essays by biblical scholars on English translations to help the reader choose a Bible for himself. Another book with the same purpose is Jack Pearl Lewis' *The English Bible, from KJV to NIV: a history and evaluation* (Grand Rapids, Mich., Baker, 1981) which examines the strengths and weaknesses of twelve major translations.

In the larger library bilingual or polyglot editions are sometimes needed. Three recent publications of this type are: (1) the *NIV interlinear Hebrew-English Old Testament*, ed. by John R. Kohlenberger (Grand Rapids, Mich., Zondervan, 1979- ; to be in 4v.), which interlines Hebrew and English, with the text of the *New International Version* in the right-hand margin; three volumes covering Genesis to the Song of Songs were issued 1979-82 and the final volume is scheduled for 1985 publication; (2) the *NIV triglot Old Testament* (Grand Rapids, Mich., Zondervan, 1981. 1v., unpagged) which presents in parallel columns "the two most important ancient texts of the Old Testament—the Hebrew according to the Masoretic Text and the Greek according to the Septuagint—together with the modern English of the New International Version."—*Introd.*; and (3) the *NASB interlinear Greek-English New Testament*, ed. by Alfred Marshall (Grand Rapids, Mich., Regency Reference Library, 1984. 1027p.) which offers an interlinear arrangement of the *Novum Testamentum Graece* text (Nestle, 21st ed.), and a literal English translation by the editor, the English equivalent appearing directly beneath the Greek original, thus "illustrating an essential stage" (*Foreword*) in translation; the *NASB* text appears in a narrow left-hand column.

### The Apocrypha.

Among the various editions and versions of the Apocrypha are:

1. *Apocrypha and pseudepigrapha of the Old Testament in English*, with introductions and critical and explanatory notes to the several books. Ed. by R. H. Charles. Oxford, Clarendon Pr., 1913. 2v. Repr. 1963.
2. *The Old Testament pseudepigrapha*, ed. by James H. Charlesworth. Garden City, N.Y., Doubleday, 1983-. v.1- . (In progress) Contents: v.1, Apocalyptic literature and testaments. "Designed for the scholar and for the interested non-specialist."—*Pref.* A wider selection than that of Charles (above, v.2), with some texts translated into English for the first time. Each work is preceded by an introduction covering text, manuscripts, provenance, significance and select bibliography. When completed, this edition will supersede that of R. H. Charles.
3. *The Apocryphal Old Testament*, ed. by H. F. D. Sparks. Oxford, Clarendon Pr., 1984. 990p. Presents new (or revised) translations of the more important non-canonical Old Testament books, the selection corresponding roughly to R. H. Charles' *Apocrypha and Pseudepigrapha of the Old Testament*, v.2 (1913), and intended for general rather than strictly academic use.

## Sacred books

## Collections

**The Bible of the world**; ed. by Robert O. Ballou in collaboration with Friedrich Spiegelberg . . . N.Y., Viking, 1939. 1415p. BB71

Brings together "the scriptural essence of eight great living source religions."—*Introd. Notes*; bibliography. BL70.B5

**Champion, Selwyn Gurney**. The eleven religions and their proverbial lore, a comparative study. . . . Foreword to the American ed., by Rufus M. Jones. . . . A reference book to the eleven surviving major religions of the world, with introductions by thirteen leading authorities. N.Y., Dutton, 1945. 340p. BB72

A book of quotations arranged under religion by keyword, with subject-matter index and alternative chief-word index. Bibliography, p.336-60. BL80.C337

**Hume, Robert Ernest**. Treasure house of the living religions; selections from their sacred scriptures. N.Y., Scribner, 1932. 493p. BB73

A classified anthology of 3,074 selected quotations from the sacred books of the 11 great historical religions—Buddhism, Christianity, Confucianism, Hinduism, Islam, Jainism, Judaism, Shinto, Sikhism, Taoism, and Zoroastrianism—with exact indication of source of each quotation; a full "Bibliography showing the canonical order of constituent documents of the several sacred scriptures together with the English translations of each document," p. 405-43; and an alphabetical topical index. A work of wide and precise scholarship, useful to the general reader for the interest of the selections and to the specialist for both selections and bibliographical materials. BL70.H8

**Sacred books of the Buddhists**, translated by various Oriental scholars . . . London, H. Frowde, Oxford Univ. Pr., 1895-1978. 33v. BB74

Title pages vary. Publisher varies.

Begun under the editorship of F. M. Müller, and similar in plan to the *Sacred books of the East* series (below).

**Sacred books of the East**, tr. by various oriental scholars and ed. by F. Max Müller. Oxford, Clarendon Pr., 1879-1910. 50v. (Repr.: N.Y., Dover, 1963-69) BB75

Contents: v.1, 15, The Upanishads, tr. by F. Max Müller; v.2, 14, The sacred laws of the Āryas, tr. by Georg Bühler; v.3, 16, 27, 28, The sacred books of China, the texts of Confucianism, tr. by James Legge; v.4, 23, 31, The Zend-Avesta, tr. by James Darmesteter and L. H. Mills; v.5, 18, 24, 37, 47, Pahlavi texts, tr. by E. W. West; v.6, 9, The Qur'ān, tr. by E. Palmer; v.7, The Institutes of Vishnu, tr. by Julius Jolly; v.8, The Bhagavadgītā, with the Sanatsugātīya and the Anugītā, tr. by Kāshināth Trimbak Telang; v.10, The Dhammapada, tr. from Pāli by F. M. Müller; The Sutta-nipāta, tr. from Pāli by V. Fausboll; v.11, Buddhist suttas, tr. from Pāli by T. W. Rhys Davids; v.12, 26, 41, 43, 44, The Satapathabrāhmana, tr. by Julius Eggeling; v.13, 17, 20, Vinayā texts, tr. from the Pāli by T. W. Rhys Davids and Hermann Oldenberg;

v.19, The Fo-sho-hing-tsan-king by Asvaghosha, tr. by Samuel Beal; v.21, The Saddharma-pundarika, tr. by H. Kern; v.22, 45, Gāna sūtras, tr. from Pāli by Herman Jacobi; v.25, The laws of Manu, tr. by G. Bühler; v.29, 30, The Grihya-sūtras, tr. by Hermann Oldenberg; v.32, 46, Vedic hymns, tr. by F. M. Müller and H. Oldenberg; v.33, The minor law books, pt.1, tr. by Julius Jolly; v.34, 48, The Vedānta sūtras, tr. by George Thibaut; v.35, 36, The questions of King Milinda, tr. by T. W. Rhys Davids; v.39, 40, The sacred books of China, the texts of Taoism, tr. by James Legge; v.42, Hymns of the Atharva-veda, tr. by Maurice Bloomfield; v.49, Buddhist Māhāyāna texts, tr. by E. B. Cowell; v.50, General index, by M. Winternitz.

Includes all the most important works of the seven non-Christian religions that have influenced the civilization of Asia: the Vedic-Brahmanic system, Buddhism, Jainism, Islam, Confucianism, Taoism, and the Parsi religion. The excellent and detailed general index

can be used for both large and small topics, beliefs, myths, names of deities, etc. Index also issued separately, as follows:

**Winternitz, Moriz**. Concise dictionary of Eastern religion, being the index volume to the Sacred books of the East. Oxford, Clarendon Pr., 1910. 683p. BB76

Published also under the title: *A general index to the names and subject matter of the Sacred books of the East*. BL1010.S32

**Sacred texts of the world: a universal anthology**. Ed. by Ninian Smart and Richard D. Hight. N.Y., Crossroad, 1982. 408p. BB77

Selections are drawn from the scriptures and oral traditions of religions from all parts of the world and from earliest times to the twentieth century. "Both religious traditions which have passed out of existence and the latest religions" (*Introd.*), including "secular worldviews" are represented. Little bibliography. BL70.S247

**Textual sources for the study of Zoroastrianism**. Ed. and tr. by Mary Boyce. Totowa, N.J., Barnes & Noble; Manchester, Univ. Pr., 1984. 166p. il. BB78

Presents a selection of "ancient texts . . . retranslated for this anthology" (*Foreword*), together with some modern texts which bear on Zoroastrianism. Includes an introductory background chapter, bibliography, and glossarial index. A companion to the editor's *Zoroastrians* (BB607). BL1571.T44

## The Bible

❖ While the Bible is not a reference book in the ordinary sense of the term, at least one copy should be in even the small reference collection, and others should be acquired as needed. In recent years, many new translations and versions have been made directly from the original Hebrew and Greek manuscripts, and take into account modern archaeological discoveries. For a bibliography of English Bibles, see Margaret T. Hills, *The English Bible in America* (BB94).

**Bible**. Various versions.

The principal versions in English at present are:

1. *King James or Authorized Version* (1611), still the most used Bible among Protestants. The *New King James Version* (1982) introduces "present-day vocabulary, punctuation, and syntax" where necessary, but strives to preserve "the legacy of the original translators."—*Introd.*
2. *American Revised Version or American Standard Version* (1901), which differs on some points from the *English Revised Version* (1885). Revised to provide "a more current English idiom" (*Pref.*) and published as the *New American Standard Bible* (1971), it is more literal than other modern translations.
3. *Revised Standard Version* (N.Y., Nelson, 1952). The New Testament appeared first, in 1946. Translated into modern English by a group of American scholars under the general editorship of Luther A. Weigle. *The Oxford annotated Bible, with the Apocrypha*, ed. by Herbert G. May and Bruce M. Metzger (N.Y., Oxford Univ. Pr., 1965. 1544p., 298p.) uses the text of the *Revised Standard Version*.
4. *New English Bible* (N.Y., Oxford Univ. Pr. and Cambridge Univ. Pr., 1970. 3v.; the New Testament volume is 2d ed.). Undertaken to provide a faithful rendering of the best available texts into contemporary English idiom, the work was "planned and directed by representatives of the Baptist Union of Great Britain and Ireland, the Church of England, the Church of Scotland, the Congregational Church in England and Wales, the Council of

*State Enforced Bible Reading and  
Prayer in the Public Schools Is  
Unconstitutional*

X SCHOOL DISTRICT OF  
ABINGTON TOWNSHIP v.  
SCHEMPP AND MURRAY v.  
CURLETT

Supreme Court of the United States, 1963.  
374 U.S. 203, 83 S.Ct. 1560.

VIP

Mr. Justice CLARK delivered the opinion of the Court.

Once again we are called upon to consider the scope of the provision of the First Amendment to the United States Constitution which declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . . ." These companion cases present the issues in the context of state action requiring that schools begin each day with readings from the Bible. While raising the basic questions under slightly different factual situations, the cases permit of joint treatment. In light of the history of the First Amendment and of our cases interpreting and applying its requirements, we hold that the practices at issue and the laws requiring them are unconstitutional under the Establishment Clause, as applied to the States through the Fourteenth Amendment.

*The Facts in Each Case:* No. 142. The Commonwealth of Pennsylvania by law, 24 Pa.Stat. § 15-1516, as amended, Pub.Law 1928 (Supp.1960) Dec. 17, 1959, requires that "At least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian." The Schempp family, husband and wife and two of their three children, brought suit to enjoin enforcement of the statute, contending that their rights under the Fourteenth Amendment to the Constitution of the United States are, have been, and will continue to be violated unless this statute be declared unconstitutional as violative of these provisions of the First Amendment. They sought to enjoin the appellant school district, wherein the Schempp children attend school, and its officers and the Superintendent of Public Instruction of the Commonwealth from continuing to conduct such readings and recitation of the Lord's Prayer in the public schools of the district pursuant to the statute.

No. 119. In 1905 the Board of School Commissioners of Baltimore City adopted a rule pursuant to Art. 77, § 202 of the Annotated Code of Maryland. The rule provided for the holding of opening exercises in the schools of the city, consisting primarily of the "reading, without comment, of a chapter in the Holy Bible and/or the use of the Lord's Prayer." The petitioners, Mrs. Madalyn Murray and her son, William J. Murray III, are both professed atheists. Following unsuccessful attempts to have the respondent school board rescind the rule, this suit was filed for mandamus to compel its rescission and cancellation. It was alleged that William was a



to urge that the religious practices here may be relatively minor encroachments on the First Amendment. The breach of neutrality that is today a trickling stream may all too soon become a raging torrent and, in the words of Madison, "it is proper to take alarm at the first experiment on our liberties." *Memorial and Remonstrance Against Religious Assessments*.

It is insisted that unless these religious exercises are permitted a "religion of secularism" is established in the schools. We agree of course that the State may not establish a "religion of secularism" in the sense of affirmatively opposing or showing hostility to religion, thus "preferring those who believe in no religion over those who do believe." *Zorach v. Clauson*, 343 U.S., at 314, 72 S.Ct., at 684, 96 L.Ed. 954. We do not agree, however, that this decision in any sense has that effect. In addition, it might well be said that one's education is not complete without a study of comparative religion or the history of religion and its relationship to the advancement of civilization. It certainly may be said that the Bible is worthy of study for its literary and historic qualities. Nothing we have said here indicates that such study of the Bible or of religion, when presented objectively as part of a secular program of education, may not be effected consistently with the First Amendment. But the exercises here do not fall into those categories. They are religious exercises, required by the States in violation of the command of the First Amendment that the Government maintain strict neutrality, neither aiding nor opposing religion.

Finally, we cannot accept that the concept of neutrality, which does not permit a State to require a religious exercise even with the consent of the majority of those affected, collides with the majority's right to free exercise of religion. While the Free Exercise Clause clearly prohibits the use of state action to deny the rights of free exercise to *anyone*, it has never meant that a majority could use the machinery of the State to practice its beliefs. Such a contention was effectively answered by Mr. Justice Jackson for the Court in *West Virginia Board of Education v. Barnette*, 319 U.S. 624, 638, 63 S.Ct. 1178, 1185, 87 L.Ed. 1628 (1943):

The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to . . . freedom of worship . . . and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.

The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church and the inviolable citadel of the individual heart and mind. We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard. In the relationship between man and religion, the State is firmly committed to a position of neutrality. Though the application of that rule requires interpretation of a delicate sort, the rule itself is clearly and concisely stated in the words of the First Amendment. Applying that rule to

1989 WL 356 (D. Colo.)

Kenneth ROBERTS; Marc Nelson and Zoy Nelson, parents and next friends of Kelly  
ROBERTS;  
ROBERTS;

Nelson and Amy Nelson; Debra Jean White, parent and next friend of Kelly  
White, Plaintiffs,

v.

Kathleen MORIGAN, in her official capacity as principal of Berkeley Gardens  
Elementary School, and Adams County School District No. 50, Defendants,

No. 88-F-1502.

United States District Court, D. Colorado,

Jan. 5, 1989.

III. The Bible in the School Library

Of particular importance in this litigation is the legal propriety of keeping  
the Bible in a school library. The Supreme Court has described the library as  
"a mighty resource in the marketplace of ideas". *Abrams v. United States*, 250  
U.S. 616 (1919) (Holmes, J. dissenting). A school library "is a place  
dedicated to quiet, to knowledge, and to beauty." *Board of Education v. Pico*,  
457 U.S. 853, 868 (1981) (citing *Brown v. Louisiana*, 383 U.S. 131, 142 (1966)).  
It is a place where "students must always remain free to inquire, to study and  
to evaluate, to gain maturity and understanding." *Board of Education v. Pico*,  
457 U.S. 853, 868-69 (1981) (citing *Keyishian v. Board of Regents*, 385 U.S.  
589 (1967)).

The school library is a mirror of the human race, a repository of the works of scientists, leaders, and philosophers. It is the locus where the past meets tomorrow, embellished by the present. The school library offers the student a range of knowledge, from the world's great novels and plays to books on hobbies and how-to-do-it projects. The importance of the school library is summed up by the inscription above the entry to the University of Colorado's Morlin library: "Who knows only his own generation remains always a child."

In this age of enlightenment, it is inconceivable that the Bible should be excluded from a school library. The Bible is regarded by many to be a major work of literature, history, ethics, theology, and philosophy." It has a legitimate, if not necessary, place in the American public school library. At this central location, it is available for voluntary perusal and study by those students possessing inquisitive minds. Youth is the time for students to explore great works of history and literature. To deprive a public school library's collection of the Bible would, in the language of Justice Robert Jackson, render the educational process "eccentric" and incomplete. *McCullum v. Board of Education*, 333 U.S. 203, 235, 67 S.Ct. 461, 92 L.Ed. 645 (1949).

The Establishment Clause does not require that religious books be removed from the shelves of school libraries. *Abington School District v. Schempp*, 374 U.S. 203, 225, 83 S.Ct. 1560, 10 L.Ed.2d 844 (1963). Public school libraries may include Bibles and other religiously oriented books provided that no one sect is favored in the library and their inclusion in the library's collection does not show any preference for religious works in general. *Evans v. Selma Union H.S. Dist.*, 193 Cal. 54, 222 P. 301 (1924). We find that the Berkeley Garden library does not show any preference for a particular religion, or religion in general. The Bible has a legitimate place in its collection.

COMMITTEE ON Education (1:00 NWF)

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Don Waldron	Dept. of Education, School Admin. of MONTANA	HB 579 618	✓	✓ 569
Harry D. Erickson	Bellevue Schools	569, 618 597, 618 4618	✓	
Bruce W. Moerer	MSBA	597 646		✓
Bruce W. Moerer	MSBA	597 618	✓	
Bob Anderson	MSBA	579 618	✓	
Greg D. [unclear]	MACSS			
J. [unclear]	MACSS	569 618 597 646	✓	
Jan Allie	MACSS		✓	
Valores Hughes	MACSS			
Cathy Sessions	MACSS			
Charlotte Miller	MACSS			
Ellen Zook	MACSS			
Jean Nolan	MACSS			
Kays Cole	" "	597	✓	
Carol Elliott	MACSS	597	✓	
Shirley [unclear]	MACSS	597	✓	
Ray DeKenna	"	597	✓	
Margery Linder	MACSS - Flathead Co.	597	✓	
Michael Williams	MACSS Jefferson Co.	597	✓	
Tommy CAMPBELL	Board Pub. Ed	618	✓	
Pat Melby	Unifund School Coalition	618	✓	
Carole Reynolds	MACSS	618	✓	
Bichi Gilman	MACSS	618	✓	
Mary Ann Brown	MACSS	618	✓	
Patte Zundel	MACSS	<del>618</del>	✓	

(Please leave prepared statement with Secretary)

