

## MINUTES

### MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION

Call to Order: By Senator H. W. Hammond, Chairman, on  
March 22, 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,  
Pat Regan, John Anderson Jr., and Joe Mazurek

Members Excused: Senator William Farrell

Members Absent: None

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

Announcements/Discussion:

None

#### DISPOSITION OF HB 518

##### Discussion:

Senator Hammond stated that this bill came from the Flathead Valley Community College, but the other community colleges were very much interested. What this bill does he explained, is that it primarily gives the community colleges the opportunity to keep the increased tuition.

He went on to say that Senator Regan was concerned that this would raise the base and the community colleges could come back a few years later and say to the state that it is no longer meeting its obligation of 47%.

Senator Regan said that she did ask Dave Cogley to draft some amendments that would clarify what is exactly going on. She said the reason she has problems with the bill is because it takes the top off what the state is funding to the community colleges. The way the bill if drafted, the state sets a certain rate and then there are fees and tuition that fill out the budget. The state in essence has

set the budget but this bill will allow the community colleges to raise the tuition and she said this is fine for the first couple of years. What will happen though is this budget that is set, will allow them to raise additional fees and over time as this grows, they can come back and say the state is not really paying its share of the budget. This will force the legislature to increase spending.

She said she can understand why the community colleges have no incentive to raise fees because then the mill levy goes down. She said the taxpayer in essence is underwriting some very low tuition costs which may or may not be bad. She said she does not like this reason because the lid is being taken off.

She added that she requested some amendments for Dave Cogley to draft. (See Exhibit #1). These amendments simply clarify that the fee arrangement is not part of the budget.

Senator Pinsoneault asked Senator Regan how much money was being talked about here. Senator Regan replied that this will affect three different community colleges, who will be able to raise their fees and tuition and be able to retain it, rather than reduce the mill levy.

Senator Hammond added that prior to this they could raise the fees but this would reduce the mill levy and they can not gain anything.

Senator Regan said that down the road, eight years or so, the community colleges can come in and point to the increase in tuition and say to the legislature, that they are not funding its fair share, thus filling their base again.

Senator Pinsoneault ask how much assistance does the state provide now. Senator Hammond replied 47% of the total and the community colleges provide 53%, which includes fees and a mandatory local levy. He said he could see the possibility that Senator Regan pointed out but when ever fees are raised it is going to discourage attendance and the budget is moved by the enrollment. This does he said have the other affect also.

Senator Farrell asked what the tuition and fees amounted to.

Senator Mazurek answered, "\$217 for out-of-district and \$317 for out-of-state. These were the figures given the committee by President Kettner of Dawson Community College. This is for a quarter.

Leroy Schramm from the Board of Regents replied that the resident tuition typically is about \$100 per quarter or

about \$300 per year for an in-the-district resident. Flathead Valley Community College is the highest he said of the three community colleges in the state.

Senator Brown asked Senator Regan to clarify what she was doing with the amendments.

Senator Regan replied that on Page 2, Line 14 of the bill, it is talking about the percentage and it does not apply to any portion of the unrestricted budget. She said with the amendments she is saying that what ever they raise in addition does not in any way obligate the state to increase its percentage of the original budget that has been set.

Senator Nathe said that we set the budget in the education sub committee. In 1987 it was set at \$3700, now it has been set at \$3900 per student, so in effect the sub committee determines how much they are going to spend per student times their enrollment number and then the state funds 47% of this figure. Senator Regan is saying that she wants to make sure that the remaining 53% will not be used against the state. It insures the Legislature that this can not get out of hand.

Senator Regan said that she suspects over a period of time it will be ignored as the "top grows" and they will make the point that the money is needed in order to operate. Over a period of time this is what has happened with the ANB and the foundation program. The community colleges are now a part of the university system.

Senator Blaylock pointed out that this is not only happening with the community colleges, but also with everything. He said he remembers when the community colleges came and ask for the authority to get started. They said they would not ask for a whole lot, so the legislature did, and now the state is putting in 47%. He said he does not think this amendment is going to do much because after a few years, they will say exactly what Senator Regan said they will say.

Amendments and Votes:

Senator Regan moved the amendments to HB 518. (See Exhibit #1)

Senator Blaylock called for the question.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote:

Senator Nathe moved that HB 518 be concurred in as amended.

Senator Blaylock called for the question.

THE MOTION CARRIED 8 TO 1 THAT HB 518 BE CONCURRED IN AS AMENDED, with Senator Regan voting against it.

Senator Nathe will carry the bill to the floor of the Senate.

## DISPOSITION OF HB 432

Discussion:

The appointed sub committee which included Senator Blaylock, Senator Brown, Senator Pinsoneault, and Senator Nathe stated that the word "compliance with," was put into the Title and on Lines 6, and 15-18. (See Exhibit #1)

Senator Blaylock said that Dave Cogley said the word "compliance" does not really change anything. He said he had gotten a hand out entitled Proposal A (See Exhibit #2) which is a consideration of the Board of Public Education. He presented this proposal to see if it could be amended into HB 432.

Senator Brown said that the B of PE ultimately did not go for this proposal, they went for another option.

Senator Blaylock pointed out #3 of Proposal A (See Exhibit #2). He said that the decision has to be made whether we want the B of PE to be able to say a school must have a gifted and talented program.

Senator Hammond stated that this is an act to clarify the authority of the B of PE and this is where the problem is. They would have us believe that they have constitutional authority. The B of PE have been down to the Legislative Council in conference with three attorneys and they maintain that they have the constitutional authority. The attorneys have told them this is not true and Senator Hammond said he is opposed to reinforcing The B of PE's attitude, that the Legislature does not have a hold on anything the B of PE does.

Senator Hammond went on to say that Senator Ed Smith had carried a bill two years ago, saying that the B of PE has

never accepted this and this is what the "battle is all about." This bill would just be another means of reinforcing their position that they do not have to involve the Legislature in making decisions.

Dave Cogley in response to a question from Senator Regan explained that 20-2-121 (7) is the section in the statutes that deals with the powers and duties of the B of PE. 20-2-121 (11) is the statute that allows the B of PE to adopt policies regarding gifted and talented programs. (See Exhibit #2)

Senator Regan asked if it was already in statute that the B of PE can adopt policies.

Dave Cogley replied that yes, but that it does not say whether they can require a district to actually offer the program. If a district does offer a program they have to do it according to policies adopted by the B of PE for accreditation purposes.

Senator Regan asked if the B of PE can require standards for accreditation and if this bill was an over reach of the Board's power.

Mr. Cogley replied that the question that exists in the constitution is the extent of the authority of the B of PE to require what schools have to offer, that is what is the "basic education that has to be provided for each student in Montana." This is not a well defined authority that the B of PE has. The Board contends that the language "general supervisory control," gives the B of PE the authority to adopt this kind of requirement for the districts.

Mr. Cogley went on to say that he himself does not have an opinion if this authority includes gifted and talented, but at this point the legislature has said that districts "may identify" and "may provide," so in statute now, the legislature has basically said, "The B of PE may not mandate these programs, but if a district chooses to offer the program it has to be in conformity with the policies adopted by the B of PE.

Senator Brown stated that he did not think that the committee is going to get any where by legislating that the gifted and talented education be a statewide mandate, but he said if local school districts are spending public money to identify and educate gifted and talented kids, they ought to be subjected to some kind of state standards.

He went on to say that in our legal structure, the B of PE establishes accreditation standards, so he thinks that if

public money is spent for this purpose, there ought to be standards that the money can be held accountable to.

Senator Hammond said that what ever form is decided upon, we are playing right into the hands of the B of PE vs. the Legislature.

Senator Blaylock said that in reference to Ed Smith's bill, this said that if the B of PE came up with a standard that cost money, then the Board would have to come to the Legislature and justify the need.

Senator Hammond said that since this time the Board now thinks they have constitutional authority to impose standards and do not have to come to the Legislature for funding approval.

Senator Brown said that the discussion seemed to be focusing on whether the B of PE ought to have the power to establish accreditation standards and the idea of standards is to hold districts accountable or they will be placed on probation.

Senator Hammond replied that the committee is giving the B of PE the authority to tell the schools that they will have gifted and talented programs.

Senator Brown stated that it was his interpreted the bill is saying that the local districts establish a program for the identification and education of the gifted and talented and these programs must meet state standards.

The Board of Public Educations standards for a Gifted and Talented Program were presented to the committee. (See Exhibit #3)

Senator Pinsoneault said he asked his superintendent about the GT programs and his superintendent feels once its mandated, they will start "ferreting out" these GT students, just to start a program, thus spending the money.

Senator Brown wondered why some committee members wanted to make an exception in this case, dealing with accreditation standards.

Senator Hammond said this bill was simply to clarify the authority of the B of PE. The Legislature is going to have to find the money for these program.

Senator Pinsoneault said that he thinks mandatory kindergarten is a lot more critical to the overall spectrum of education than GT programs and it was downed on the floor.

Senator Blaylock pointed out that 34 million dollars is spent on special education. There is only \$200,000 put toward the GT programs. He said, "Talk about pay back, this is enormous to society."

Senator Hammond said he does not feel there is a need for the bill. The B of PE wants this because of the "gray area" that has been established between the Board of Public Education and the Legislature.

Senator Pinsoneault said that there is a constitutional review coming up and there is a law suit that might address this issue and unless the bill has the unanimous support of the committee, it is probably going to fail.

Amendments and Votes:

Senator Blaylock moved the three amendments to HB 432. (See Exhibit #1)

Senator Blaylock called for the question.

A roll call vote was taken on the motion to move the amendments to HB 432. (See Exhibit #4)

THE MOTION CARRIED UNANIMOUSLY.

Recommendation and Vote:

Senator Blaylock moved HB 432 be concurred in as amended.

A roll call vote was taken. (See Exhibit #5)

THE MOTION FAILED, 5 to 4.

Senator Regan called for a minority report, because she said this was an issue that should be discussed on the floor of the Senate.

ADJOURNMENT

Adjournment At: 1:50 pm

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

HH/jh

Senmin.322



ROLL CALL

EDUCATION

COMMITTEE

50th LEGISLATIVE SESSION -- 1989

Date 3-22-89

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 27, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 518 (third reading copy -- blue), respectfully report that HB 518 be amended and as so amended be concurred in:

Sponsor: Stickney (Nathe)

1. Page 1, line 22.

Strike: "calculated dollar"

Insert: "budget"

2. Page 1, line 23.

Following: first "student"

Insert: ", as determined by the legislature"

3. Page 2, line 11.

Strike: "calculated dollar"

Insert: "budget"

4. Page 2, line 12.

Following: "student"

Insert: ", as determined by the legislature"

5. Page 2, line 14.

Following: "biennium."

Insert: "This percentage does not apply to any portion of the unrestricted budget in excess of the budget amount per full-time equivalent student, as determined by the legislature."

6. Page 2, line 21.

Strike: "calculated dollar"

Insert: "budget"

7. Page 2, line 22

Following: "student"

Insert: ", as determined by the legislature"

AND AS AMENDED BE CONCURRED IN

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

410.  
3128115  
scrhb518.328 p.m.

SENATE STANDING COMMITTEE REPORT

March 28, 1989

MR. PRESIDENT:

We, your committee on Education and Cultural Resources, having had under consideration HB 432 (third reading copy -- blue), respectfully report that HB 432 be amended and as so amended be not concurred in:

Sponsor: Eudaily (Hammond)

1. Title, line 6.

Strike: "CONFORMITY WITH ANY POLICY OR"

Insert: "COMPLIANCE WITH"

2. Title, line 7.


Strike: "STANDARD"

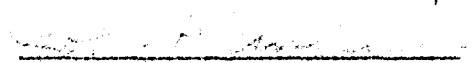
Insert: "STANDARDS"

3. Page 1, lines 15 through 18.


Strike: "conformity" on line 15 through "any" on line 18

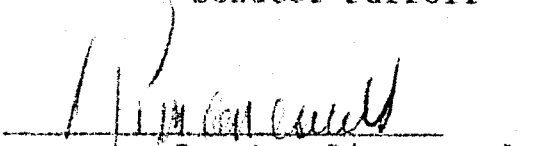
Insert: "compliance with"

  
\_\_\_\_\_  
Senator Hammond

  
\_\_\_\_\_  
Senator Anderson

  
\_\_\_\_\_  
Senator Farrell

  
\_\_\_\_\_  
Senator Nathe

  
\_\_\_\_\_  
Senator Pinsoneault

MAJORITY REPORT  
BE NOT CONCURRED IN

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

J.P.  
3/28/89  
9:15  
MJRHB432.328

SENATE STANDING COMMITTEE REPORT

March 28, 1989

MR. PRESIDENT:

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

Sponsor: Eudaily (Regan)

1. Title, line 6.

Strike: "CONFORMITY WITH ANY POLICY OR"

Insert: "COMPLIANCE WITH"

2. Title, line 7.

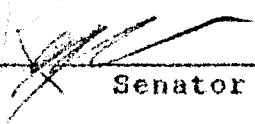
Strike: "STANDARD"

Insert: "STANDARDS"


3. Page 1, lines 15 through 18.

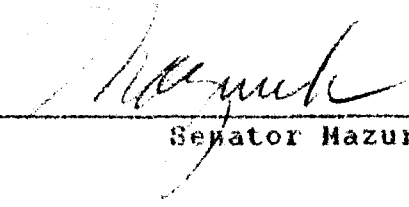
Strike: "conformity" on line 15 through "any" on line 18

Insert: "compliance with"

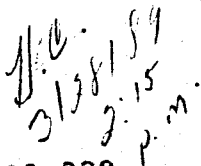
  
\_\_\_\_\_  
Senator Regan

  
\_\_\_\_\_  
Senator Blaylock

  
\_\_\_\_\_  
Senator Brown

  
\_\_\_\_\_  
Senator Mazurek

MINORITY REPORT  
BE CONCURRED IN

  
minhb432.328

3-22-89  
HB 518

Amendments to House Bill No. 518  
Third Reading Copy

Requested by Senator Regan  
For the Committee on Education

Prepared by Dave Cogley  
March 20, 1989

1. Page 1, line 22.  
Strike: "calculated dollar"  
Insert: "budget"
2. Page 1, line 23.  
Following: "student"  
Insert: ", as determined by the legislature"
3. Page 2, line 11.  
Strike: "calculated dollar"  
Insert: "budget"
4. Page 2, line 12.  
Following: "student"  
Insert: ", as determined by the legislature"
5. Page 2, line 14.  
Following: "biennium."  
Insert: "This percentage does not apply to any portion of the  
unrestricted budget in excess of the budget amount per full-  
time equivalent student, as determined by the legislature."
6. Page 2, line 21.  
Strike: "calculated dollar"  
Insert: "budget"
7. Page 2, line 22  
Following: "student"  
Insert: ", as determined by the legislature"

Amendments to House Bill No. 432  
Third Reading Copy

Requested by Subcommittee  
For the Committee on Education

Prepared by Dave Cogley  
March 13, 1989

1. Title, line 6.

Strike: "CONFORMITY WITH ANY POLICY OR"

Insert: "COMPLIANCE WITH"

2. Title, line 7.

Strike: "STANDARD"

Insert: "STANDARDS"

3. Page 1, lines 15 through 18.

Strike: "conformity" through "any" on line 18

Insert: "compliance with"



of its powers under 20-2-121(7) and 20-2-121(11), from  
requiring a school district to address the needs of  
gifted and talented children.

-END-



State of Montana  
Proposed Accreditation Rules  
Sub Chapter 8 Educational Opportunity  
Rule XXII Gifted and Talented

Eff. '92

RULE XXII GIFTED AND TALENTED (the current proposal)

- (1) The school shall make an identifiable effort to provide educational services to gifted and talented students which are commensurate with their needs and foster a positive self-image.
- (2) Such services shall be outlined in a comprehensive district plan which includes
  - (a) Identification of talent areas and student selections criteria according to a written program philosophy;
  - (b) A curriculum which reflects student needs;
  - (c) Teacher preparation;
  - (d) Criteria for formative and summative evaluation;
  - (e) Supportive services;
  - (f) Parent involvement.

(Eff. 7/1/92)

ROLL CALL VOTE

SENATE EDUCATION

AMBIT NO. 4

3-22-89

HB 432

SENATE COMMITTEE EDUCATION

Date 3-22-89 Amendment Bill No. HB 432 Time \_\_\_\_\_

NAME	YES	NO
Vice Chairman Dennis Nathe	✓	
Senator Chet Blaylock	✓	
Senator Bob Brown	✓	
Senator Dick Pinsoneault	✓	
Senator William Farrell		
Senator Pat Regan	✓	
Senator John Anderson	✓	
Senator Joe Mazurek	✓	
Chairman H.W. "Swede" Hammond		✓

7 to 1

Julie Harmala  
Secretary

H. W. Swede Hammond  
Chairman

Motion: Senator Blaylock moved the  
amendments to HB 432 that  
the subcommittee put together.  
Blaylock moved amendments to pass - passed

ROLL CALL VOTE

SENATE EDUCATION

EXHIBIT NO. 5

DATE 3-22-89

432

SENATE COMMITTEE EDUCATION

Date 3-22-89 House Bill No. HB 432 Time 1:10

NAME	YES	NO
Vice Chairman Dennis Nathe		✓
Senator Chet Blaylock	✓	
Senator Bob Brown	✓	
Senator Dick Pinsoneault		✓
Senator William Farrell		✓
Senator Pat Regan	✓	
Senator John Anderson		✓
Senator Joe Mazurek	✓	
Chairman H.W. "Swede" Hammond		✓

4 to 5

Julie Harmala  
Secretary

H. W. Swede Hammond  
Chairman

Motion: Moved that HB 432 do pass  
as amended - failed

Motion failed 5 to 4