

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on January 25, 1991, at 3:00 p.m.

ROLL CALL

Members Present:

Ted Schye, Chairman (D)
Ervin Davis, Vice-Chairman (D)
Steve Benedict (R)
Ernest Bergsagel (R)
Robert Clark (R)
Vicki Cocchiarella (D)
Fred "Fritz" Daily (D)
Alvin Ellis, Jr. (R)
Gary Feland (R)
Gary Forrester (D)
Floyd "Bob" Gervais (D)
H.S. "Sonny" Hanson (R)
Dan Harrington (D)
Tom Kilpatrick (D)
Bea McCarthy (D)
Scott McCulloch (D)
Richard Simpkins (R)
Barry "Spook" Stang (D)
Norm Wallin (R)
Diana Wyatt (D)

Staff Present: Andrea Merrill, Legislative Council
Dianne McKittrick, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

HEARING ON HB 125

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE FLOYD (BOB) GERVAIS, House District 9, Browning, said HB 125 is a committee bill from the Committee on Indian Affairs. This is an act appropriating money to the Commissioner of Higher Education for American Indian minority achievement purposes. The program is in place at this time.

Proponents' Testimony:

John Hutchinson, Commissioner of Higher Education, said Native Americans are being educated in large numbers and are being heard while challenging the economic stagnation in the reservation communities. They are aggressively confronting the devastating impact of alcoholism and drug abuse and learning is the key. Dr. Hutchinson explained the "Tracks Project" which is the forerunner in the department today of this bill on American Indians and minority achievement. EXHIBITS 1 and 2 The "Tracks" money has run out which was originally Ford Foundation Grant money. Additional money from the Northwest Area Foundation was secured and we were able to fund a position for Director of Indian Minority Achievement in the Commissioner's Office. Ellen Swaney holds that position currently, and funding for the position is about to run out. Since Ellen began work, she has established rich connections with groups such as Tribal Colleges, Tribes, Bureau of Indian Affairs, Office of Public Instruction, and Board of Public Education. A minority achievement policy, approved by the Regents, has been developed that demands each campus to establish a plan for enhancing the recruitment and retention of American Indians in each unit. These are scheduled to take effect this coming fall term and are the direct result of the minority achievement policy of which Ellen Swaney was the principle person responsible for shepherding the policy for approval by the Regents. The goal is to design a drop-out prevention program aimed at recruitment and retention that would have a great economic development aspect. The more Indians kept in higher education, the greater their ability to seek, gain and maintain jobs. Dr. Hutchinson submitted written testimony. EXHIBITS 3,4,5,6

Dori Nielson, Office of Public Instruction, (OPI), said this bill is dedicated to the recruitment and achievement of American Indian minority students. The funding of this position would assure the Indian people that the Legislature and the Office of the Commissioner of Higher Education have a commitment to American Indian and minority education at the postsecondary level. It would provide a direct link between the Board of Regents, the Commissioner's Office and the Indian community. It would also send a message to the Montana University System that Indian minority education is a high priority in this state.

Jan Wright, Montana Education Association, (MEA), presented written testimony. EXHIBIT 7

Joyce Silverthorne, Confederated Salish Kootenai Tribe, Flathead Reservation, Title III Director, Salish Kootenai College, presented written testimony. EXHIBIT 8

Robert Fouty, Salish Kootenai College, Flathead Reservation, presented written testimony. EXHIBIT 9,10,11

REP. BEA MCCARTHY said she served as a member of the "Tracks" Board for its first two years. There are tremendous obstacles and she could not believe the hard work of the individuals who

were behind the program and how they persevered until they finally had a program to present to the Regents. Rep. McCarthy said she saw hard work and progress in this most worthwhile endeavor.

Opponents' Testimony: None

Questions From Committee Members:

REP. FORRESTER asked REP. GERVAIS why more money for studies will help the Indian students in school today. He doubts this legislation will force one more Indian student to graduate. The bill creates a position that may be necessary to gather information but what we need is action. The Indian community needs to come forth and say, "It is time!". REP. GERVAIS said first it is necessary to gather information pinpointing problems children have getting in the way of education. The data will shed light as to why they are dropping out. If the problems are identified and follow-up is done, we can get many back into the mainstream of education, pull them into the job market and eventually break the cycle of welfare on the reservation.

REP. CLARK asked Commissioner Hutchinson the time-table on this particular study process when data will be available to put the study into action. Dr. Hutchinson said this is not a bill that is designed to merely study but is an action bill with most of the study already accomplished. The patterns that account for the drop-out rate need to be determined. Minority achievement policies are now in place as a direct result of this position that are directing our campuses to develop plans for recruitment and retention of American Indian students. It is erroneous to view this bill as a study bill. We are now in a position to act.

REP. BERGSAGEL asked Commissioner Hutchinson what happened to the grant money previously obtained for this study. Dr. Hutchinson answered there were two grants. The first was from the Ford Foundation and ran for one year terminating last spring. In anticipation of that money running out the office obtained a second one year grant from the Northwest Area Foundation which brings the program up to this spring. As of May or June, this program will have no further funds for the position of Director of American Indian Minority Achievement.

REP. BERGSAGEL asked REP. GERVAIS if this is an appropriations bill. CHAIRMAN SCHYE answered by saying many bills that are policy bills with appropriations attached go through the committee first and then are placed in Appropriations.

REP. ELLIS asked Commissioner Hutchinson if all Montana schools already do this work with the general student population. Dr. Hutchinson said the work at the public education level K-12 perhaps is a little stronger than it has been historically in higher education. Higher education has done little in the way of

follow-up of students who either drop-out or stop-out for whatever reason. This bill represents a significantly new effort. Rep. Ellis asked approximately how much money has been spent through the two previous foundation grants. Dr. Hutchinson answered the Northwest Area Foundation Grant was approximately \$72,000 and the Ford Foundation Grant was \$46,000. REP. ELLIS asked if there are statistics showing how successful the program is and its accomplishments. Dr. Hutchinson said there are reams of statistics showing vast accomplishments and we now have a count of American Indians from kindergarten through graduate study in education in Montana. This information is coming in from all the campuses to OPI. We now have a task force team in each of the tribal communities so when a student drops out, that team on the reservation can be notified and in turn, interview that student, determine the reason for dropout and get him/her back into education. The Tracks Project has been hailed nationally as a model of enrollment count and tracking of students.

REP. SIMPKINS asked Commissioner Hutchinson how this \$175,000 will be used over the two-year period. Dr. Hutchinson said \$35,000 to the Director of American Indian and Minority Achievement; \$14,500 to a full-time secretary; \$12,000 to a one-half time computer technician to help with data collection; and \$14,000 for benefits and insurance; for a total personnel budget of \$76,000. In addition, \$7,000 in travel to visit the reservations, units of the university system, and tribal colleges to make sure the policies are introduced. This is a broader position than the original "Tracks" position. Additionally, \$25,000 in operations costs for communications, printing and a capital outlay of \$2,000 bringing the total budget for each year of the biennium to \$87,800. EXHIBIT 12

Closing by Sponsor:

REP. GERVAIS said this legislation will help alleviate many problems on the reservation by educating our Native Americans. It may well come down to, "pay me now or pay me later".

HEARING ON HB 217

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE WILBUR SPRING, House District 77, Belgrade, said HB 217 is primarily a language change. In Gallatin County the district boundaries were not well planned for subdivisions and some subdivisions overlap both districts. This bill is at the request of Mary Ann Brown, County Superintendent of Schools in Gallatin County, and deals with the transfer of property from one district to another by request of the residents.

Proponents' Testimony:

Bruce Moerer, Montana School Boards Association, (MSBA), said this bill is a result of a resolution that is a fairness issue. This requires the County Superintendent to give notice to the losing district that the petition has been filed. The law should also have the additional notice requirement so the district losing the territory has an opportunity to present its side of the story.

Harry Erickson, Superintendent of Schools, Belgrade, said Belgrade had a couple of transfers take place from the district and we had to first hear about it in the coffee shop or we wouldn't have known it was gone. This is a bill to let school districts know there is a move to transfer a portion of its district to another district. It does not keep the transferring from happening but merely is for notification.

Opponents' Testimony:

Kay McKenna, Montana Association of County Superintendents, (MACSS), said her group has the concern of notifying all contiguous landowners. It could result in a tremendous amount of notification of landowners. There would be an additional problem in notifying the absentee landowner. She said the question as to who should do the notifying, when should they be notified and how they should be notified must be addressed.

Questions From Committee Members:

REP. BENEDICT asked Kay McKenna when you consider absentee landlords, aren't the Board of Trustees in each district the ones who should be notified. Ms. McKenna replied this legislation asks to notify both the Board of Trustees and the owners of the territory to be transferred.

CHAIRMAN SCHYE asked REP. SPRING if he would meet with the school board and county superintendent constituents to amend the bill as to what would be accomplished through the legislation. REP. SPRING said he would cooperate in changing certain areas of the bill.

Closing by Sponsor:

REP. SPRING said thank you and please act favorably on HB 217.

EXECUTIVE ACTION ON HB 202

Motion: REP. MCCARTHY moved HB 202 DO PASS.

Discussion: REP. DAILY said careful consideration must be given to this legislation since the vo-techs could potentially lose twenty percent of their funding if the Appropriations Committee and eventually the Legislature do not replace this money.

REP. MCCARTHY said this legislation forces Appropriations to recognize the law and changes the method of operation from supplanting the funds to supplementing.

REP. SIMPKINS said the Legislature could only complicate the issue. He said REP. PECK expressed in testimony, there would be a direct clash between this committee and Appropriations.

REP. HARRINGTON said HB 202 does the right thing and if that causes a clash with the Appropriations Committee, then so be it.

Recommendation and Vote: REP. SIMPKINS moved HB 202 BE TABLED. Motion CARRIED 11 to 9. EXHIBIT 13.

EXECUTIVE ACTION ON HB 142

Motion: REP. STANG moved that HB 142 DO PASS.

Motion: REP. STANG moved to amend HB 142. EXHIBIT 14

Discussion: REP. COCCHIARELLA asked Andrea Merrill if the community colleges are under the Board of Regents in the same relationship. Ms. Merrill said they are and their inclusion would be correct.

REP. MCCARTHY said she had further proposed amendments to HB 142 regarding the Commissioner of Higher Education be an ex officio member of the Board, along with the change in number of Regent members. CHAIRMAN SCHYE answered those were suggested amendments by someone other than the sponsor.

Vote: Motion on the amendments to HB 142 CARRIED unanimously.

Motion: CHAIRMAN SCHYE made a substitute motion that HB 142 DO PASS AS AMENDED.

Discussion:

REP. SIMPKINS said he thought it a good idea to have the Commissioner of Higher Education be an ex officio member of this Board for valuable input. REP. HANSON said the reason this was brought out by the Commissioner was in the context of raising the number of Regents on the board to four and making the Commissioner a non-voting member or ex officio.

REP. BENEDICT asked if there was a sunset in this legislation. CHAIRMAN SCHYE said the money is appropriated for a two-year period so it sunsets itself.

REP. ELLIS asked what is the difference between this study committee in relation to function, compared to what the Board of Regents and Board of Public Education do now. REP. MCCARTHY said presently the Board of Regents operates independently of the

Board of Public Education. They meet twice yearly and work together on a common budget which is very difficult. This is an entirely different concept because this committee is composed of legislators while there are no legislators on the Board of Regents or the Board of Public Education. This will shed a new light on postsecondary education and should alleviate many conflicts.

REP. SIMPKINS said the Montana Constitution is not being followed; it states there is a Board of Education to do the long-range planning of all education in the State of Montana, to include developing unified budgets for submittal to the Legislature. We should be providing money for legislators to be non-voting members to attend State Board of Education meetings to affect cooperation of these two bodies which have the educational responsibility set forth by the Constitution. We are avoiding this constitutional system.

Vote: Motion CARRIED that HB 142 DO PASS AS AMENDED with REP. SIMPKINS voting no.

EXECUTIVE ACTION ON HB 175

Motion: REP. MCCARTHY moved HB 175 DO PASS.

Discussion:

REP. BERGSAGEL said HB 175 is another example of the Legislature imposing mandates on local school districts without providing funds.

REP. WALLIN said he received information from Dori Nielson, OPI, concerning kindergartens with an enrollment of one. EXHIBIT 15 There are 34 districts with an enrollment of one and to impose kindergarten on those districts is wrong. The present law that permits kindergarten is sufficient allowing for 98.5% of students to be served under a voluntary system. It should not be mandated for the other 1.5%

REP. MCCULLOCH said for clarification, that even in the smallest school, often times one teacher will teach many different grade levels.

REP. HARRINGTON agreed that teachers in the small rural schools teach more than one grade which would be the case with one kindergarten age child. This legislation would not impose a much greater load on the school district.

REP. BENEDICT said this is a problem that is fairly small in relation to the number of school districts that already have voluntary kindergartens. The problem may be that kindergarten is a part-time program versus full-time first grade which poses a very real transportation problem. Mandating this program would

take away the decision-making process at the local level. Districts need to handle this locally.

REP. ELLIS said it is a real problem to coordinate buses in rural areas with long days, bad weather and postponement of school due to weather. As a result, boards are reluctant to establish a kindergarten.

REP. SIMPKINS said the system works as it is now. With cooperation between school boards and parents, kids are able to enroll in kindergarten where the circumstances permit.

REP. DAVIS reminded the committee the bill says "make available" which can be done in a variety of ways.

REP. SIMPKINS said he asked specifically about the busing issue, if even one parent asks for bus transportation the district would have to make it available.

REP. STANG said "make available" might not mean sending a bus out but the districts will have to provide and pay for transporting that student to another school that has a kindergarten. HB 175 has been killed five times for good reason; it takes away local control and the ability of school districts to make their own decisions. Last year this committee wouldn't force the reciting of the Pledge of Allegiance due to the local control issue. This should not be forced either.

CHAIRMAN SCHYE said committee members from rural areas are aware of the problems with busing weather. His district does offer kindergarten with varying schedules. If education is to be truly equalized, kindergarten has to be offered to all the schools. If this program is offered in some schools, it has to be offered in all of them. This is not high cost legislation. The letter from Dori Nielsen, of OPI, showed a cost of approximately \$60,000 to the Foundation Program to get the kids off and running. Parents still have the option to send or not send the child and the compulsory age remains seven.

REP. MCCARTHY said, as a first grade teacher, she sees firsthand non-kindergarten and kindergarten children in the classroom. The difference in readiness and preparation to begin school is amazing! It means being ready to read and begin education. Every Montana student needs every advantage available and this is an advantage we can give. Parents still have the option of sending the child or not.

Motion/Vote: REP. STANG made a substitute motion that HB 175 DO NOT PASS. Motion FAILED 9 to 11 EXHIBIT 16

Motion/Vote: REP. HARRINGTON moved to reverse the vote on HB 175. HB 175 DO PASS. Motion CARRIED. EXHIBIT 16

EXECUTIVE ACTION ON 105

Motion: REP. MCCULLOCH moved HB 105 DO PASS.

Discussion: REP. SIMPKINS said there is a great possibility a teacher would teach for ten years, go into a principalship, and return to teaching due to a school closing, thereby losing all ten years of teaching seniority. Losing ten years of teaching seniority is a big deal.

REP. MCCULLOCH said this bill does not cause any loss of seniority with the district and provides due process by administrative preference for the next opening for which they are qualified. This allows the district to transfer an administrator to the classroom during a severe financial crisis in the district. Currently administrators have super immunity from that policy. This would make it fair and affect all people in the school district.

REP. ELLIS agreed with REP. MCCULLOCH citing lines 10-14 on section 2, page 2.

Motion/Vote: REP. HANSON offered an amendment on page 2, line 22 under the definition of reduction of administrative staff to ensure there was mutual agreement to return to a teaching role. REP. HANSON moved to amend HB 105. Motion FAILED 8 to 12.
EXHIBIT 17

REP. DAILY offered amendments proposed by the School Administrators of Montana. EXHIBIT 18 The main thrust of the amendments is to grandfather people who are currently working as administrators in Montana. The reason being, these people took these jobs based on the premise of guaranteed salary. It is not right to cut someone's salary when that person took the job thinking the salary was solid.

REP. MCCULLOCH said, as a reminder, there is no grandfather clause for teachers.

REP. DAILY said this is very true with the teachers in many areas of the state.

Motion/Vote: REP. DAILY moved to adopt amendments. Motion CARRIED 16 to 4. EXHIBIT 19

Motion: REP. DAILY moved HB 105 DO PASS AS AMENDED and withdrew the motion at the request of REP. DAVIS.

Motion/Vote: REP. DAVIS made a substitute motion that HB 105 Be TABLED Motion FAILED 8 to 12. EXHIBIT 20

Motion/Vote: REP. HARRINGTON moved HB 105 DO PASS AS AMENDED.

Motion CARRIED 13 to 7. EXHIBIT 21

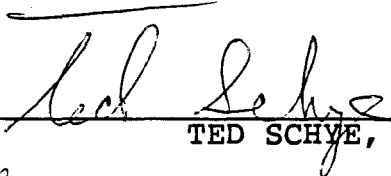
EXECUTIVE ACTION ON 116

Motion: REP. CLARK moved HB 116 DO PASS.

Motion/Vote: REP. HARRINGTON made a substitute motion that
CHAIRMAN SCHYE appoint a subcommittee to further research HB 116.
Motion CARRIED with REP. SIMPKINS and REP. ELLIS voting no.

ADJOURNMENT

Adjournment: 5:30 p.m.



TED SCHYE, Chair



DIANNE MCKITTRICK, Secretary

TS/dMcK

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL

DATE January 25, 1991

NAME	PRESENT	ABSENT	EXCUSED
REP. TED SCHYE, CHAIRMAN	✓		
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓		
REP. STEVE BENEDICT	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. GARY FORRESTER	✓		
REP. FLOYD "BOB" GERVAIS	✓		
REP. H.S. "SONNY" HANSON	✓		
REP. DAN HARRINGTON	✓		
REP. TOM KILPATRICK	✓		
REP. BEA MCCARTHY	✓		
REP. SCOTT MCCULLOCH	✓		
REP. RICHARD SIMPKINS	✓		
REP. BARRY "SPOOK" STANG	✓		
REP. NORM WALLIN	✓		
REP. DIANA WYATT	✓		

HOUSE STANDING COMMITTEE REPORT

January 28, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 142 (second reading copy -- yellow) do pass as amended .

Signed: _____
Ted Schye, Chairman

And, that such amendments read:

1. Page 1, line 3.

Insert: "By Request of the Postsecondary Education Study Committee"

2. Page 2, line 4.

Following: "System"

Insert: ", the community colleges,"

9:00 am
1-28-91
Lml

HOUSE STANDING COMMITTEE REPORT

January 28, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 175 (first reading copy -- white) do pass.

Signed: _____
Ted Schye, Chairman

HOUSE STANDING COMMITTEE REPORT

January 28, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 105 (first reading copy -- white) do pass as amended .

Signed: _____
Ted Schye, Chairman

And, that such amendments read:

1. Title, line 6.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 3, line 15.

Strike: "are arbitrary or capricious"

Insert: "were based on good cause"

3. Page 3, line 23.

Strike: "arbitrary or capricious"

Insert: "based on good cause"

4. Page 4, line 11.

Insert: " NEW SECTION. Section 4. Applicability. [This act] does not apply to a person who was employed in an administrative position before October 1, 1991."

Endorsements

Office of Public Instruction

Nancy Keenan, Superintendent

The goals of the Montana "Tracks" Project will provide the firm foundation for gathering educationally relevant data. This information will be used by OPI to help schools develop and design goals and activities to meet the educational needs of Native American students.

Montana Advisory Council on Indian Education

This project is long overdue and very essential to future planning designed to improve the educational system for the benefit of Indian students.

Legislative Committee on Indian Affairs

Native Americans account for a significant portion of our state's population. To neglect their education is to neglect the future of our state. The Montana "Tracks" Project has our utmost support.

Board of Regents

The Montana "Tracks" Project's goal of increasing the number of American Indians who earn baccalaureate degrees is more than timely, it is overdue. The type of information which will be secured is critical for sound future planning.

Montana Indian Education Association

The results of the "Tracks" project will be beneficial when addressing the many diverse needs of Indian students and helping them achieve academic success beyond high school. The project has the full endorsement of the Montana Indian Education Association.

Board of Public Education

The Board of Public Education believes the "Tracks" Project is a good beginning toward dealing with a problem too long ignored. The needs of all the children of Montana must be provided for by the public education system.

Montana "Tracks" Project: American Indians in Education is sponsored by the State Higher Education Executive Officers (SHEEO) and funded by the Ford Foundation.

For further information, please contact:

Ellen Swaney, Director
Amer. Ind./Minority Achievement
Montana University System
Helena, MT 59620
(406) 444-6570



Montana "Tracks" Project: American Indians in Education

EXHIBIT #1
DATE 1-25-91
HB 125

FOLLOW-UP STUDENT INTERVIEW FORM--K-12

Student's Name:

Identification Number:

Interviewer's Name:

Date of Interview:

Institution/School Student Attended Last:

Date of Last Attendance:

Grade Level:

Reasons for Leaving School (indicate all that apply):

- 01 For employment
- 02 Joined the military
- 03 Marriage
- 04 Low or failing grades
- 05 Not attending classes (missed more than the maximum days allowed by the
school district to retain credit)
- 06 Expelled - discipline problems
- 07 Responsibilities due to pregnancy
- 08 Child care problems
- 09 Language problems in school
- 10 Student left school because of age
- 11 Illness or medical treatment
- 12 Family obligations (specify)
- 13 No family support for staying in school
- 14 Teacher(s)' attitude(s) (explain)
- 15 Other -- Specify -----

Comment:

Student's Future Plans for Education:

- 01 Return to school and finish high school.
- 02 Go to college.
- 03 Get training for a job (specify).
- 04 Other -----

Interviewer's contact with significant others (describe):

FOLLOW-UP STUDENT INTERVIEW FORM--POSTSECONDARY

Student's Name:

Identification Number:

Interviewer's Name:

Date of Interview:

Institution/School Student Attended Last:

Date of Last Attendance:

Year in School:

Reasons for Leaving School (indicate all that apply):

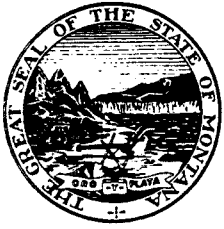
- 01 For employment
- 02 Joined the military
- 03 Marriage
- 04 Low or failing grades
- 05 Not attending classes
- 06 Expelled - Discipline Problems
- 07 Responsibilities due to pregnancy
- 08 Child care problems
- 09 Transportation problems
- 10 Not interested in school
- 11 Illness or medical treatment
- 12 Family obligations (specify)
- 13 No family support for staying in school
- 14 Teacher(s)' attitude(s) (explain)
- 15 Problems adjusting to the school's demands (explain)
- 16 Financial problems
- 17 Academic Suspension
- 18 Other -- Specify -----

Comment:

Student's Future Plans for Education:

- 01 Return to school and finish college.
- 02 Go to graduate school.
- 03 Get training for a job (specify).
- 04 Find a job.
- 05 Other -----

Interviewer's contact with significant others (describe):



BOARD OF REGENTS OF HIGHER EDUCATION
MONTANA UNIVERSITY SYSTEM
HELENA, MONTANA 59620-3101

EXHIBIT #3
DATE 1-25-91
HB 125

(406) 444-6570
FAX (406) 444-7729

WILLIAM L. MATHERS, CHAIRMAN
MILES CITY

January 23, 1991

ELSIE REDLIN, VICE-CHAIRMAN
LAMBERT

CORDELL JOHNSON
HELENA

Representative Ted Schye, Chairman
Education and Cultural Resources Committee
Montana House of Representatives
Helena, MT 59601

JIM KAZE
HAVRE

RE: House Bill 125

BRAD MUSGROVE, STUDENT REGENT
BOZEMAN

Dear Representative Schye and
Committee Members:

KERMIT SCHWANKE
MISSOULA

I believe a truth may be spoken: we must either tend to the education of all our people, or our ability to move forward into the challenges of the 21st century will tend to be limited. Tending to the education of all our people necessarily means that we may have to pay more attention now to certain segments of our population. Paying attention to the educational achievement of minorities (particularly, American Indians in Montana) is the subject of House Bill 125.

THOMAS TOPEL
BILLINGS

EX-OFFICIO MEMBERS:

STAN STEPHENS
GOVERNOR

NANCY KEENAN
SUPERINTENDENT OF
PUBLIC INSTRUCTION

DR. JOHN M. HUTCHINSON
ACTING COMMISSIONER OF
HIGHER EDUCATION

As a member of the Board of Regents and of its minority education task force, I was fortunate indeed to participate in a presentation by a panel of Montanans at a national minority achievement conference last fall. As I am sure you are aware, your Senate colleague, Senator Del Gage, also attended and participated. Not only did this give me an opportunity to meet such a gentleman as Senator Gage, but it gave me an opportunity to see and learn, first hand, some of the issues of minority educational achievement throughout the United States.

Montana's TRACKS project was chosen as one of about six state-based minority achievement projects to be showcased and presented at this national conference. The selection of the project by national education leaders is a clear indication of not only the quality of the project and its staff and creators, but its true importance to Montana's

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Page 2.

post-secondary education responsibilities to all people. The project itself serves as a model for the entire nation.

But, that's not enough. That's all history. The TRACKS project is just now beginning to bear fruit, to provide the requisite information necessary to plan and implement a real effort to improve minority achievement in Montana's educational systems, from pre-school to baccalaureate degrees and beyond.

The bill before you will give Montana the ability to reap the benefits of a process that has begun to provide education leaders with the "Who, What, Where and Why" of American Indian educational achievement levels in Montana. Only action will bring positive change and improvement in those levels of educational achievement.

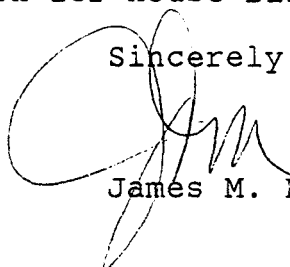
We have hatched a plan of action. We have made the necessary initial policy decisions. Now, we need to act. We can act, and we can account to you with the results of our action, but we need your support in the form of House Bill 125.

Our ability to lead the minority achievement effort, coordinate it, account for it, act on it and ultimately to achieve our goals, is in very large part dependent on our ability to do so on a system-wide basis. To do so requires a system-wide and state-wide center of coordination and responsibility. The bill before you provides for just that. Without the oversight and coordinated effort, I am convinced that words like "minority achievement" will likely continue to be given little more than lip service.

House Bill 125 will specifically allow us an opportunity to continue an important cultural and educational responsibility of this state. We need the staff and operation of a director of American Indian/minority achievement in order to actually achieve concrete results. Without that staff and without that director, I'm convinced that our ability to act and our ability to implement our policies will be detrimentally reduced, if not eliminated.

Mr. Chairman, and members of the Committee, I urge your "do pass" recommendation for House Bill 125. Thank you.

Sincerely,



James M. Kaze

To: ELLEN SWANEY		From: KERMIT SCHWANKE	
Co.		Co.	
Dept.		Phone #	
Fax # 7729 444- 7729		Fax #	

EXHIBIT "TP.1/1"

DATE 1-25-91

HB 125

January 15, 1991

Committee: Education and Cultural Resources - Room 312-1

Ted Schye, Chairman:

I strongly encourage your personal and committee approval for HB125 - "appropriating money to CHE office for Native American/minority achievement."

The money requested in this bill, \$175,648 for the biennium ending 6/30/93, would provide for the support of the Director and staff of American Indian/minority achievement.

The Board of Regents has pledged to increase its efforts for improved Native American/minority education from K through post-secondary.

This new directorship will provide additional cooperative leadership and direction within the Commissioner's office for these expanded efforts.

Leading this charge will be the Montana Tracks project, which is already in action and will eventually furnish detailed quantities of information concerning all Native Americans enrolled from K through college.

In addition, much needed counseling of higher education students in the University units, community colleges, Tribal colleges, and vocational-technical units. The goal is for more and better recruitment of students and their retention within the school.

The new office and director will be the principal catalyst and liaison between the University system, Tribal governments and Tribal colleges.

Approval of this bill, HB 125, would provide a solid cornerstone for the further building of cooperation and support of the University system and the Native American/minorities' education efforts now and in the future.

Thank you very much for your consideration and support.



Kermit R. Schwanke
Member, Board of Regents
619 Beverly Avenue
Missoula, Montana 59801

EXHIBIT #5
DATE 1-25-91
HB 125

University of
Montana

Office of the Provost and Vice President
for Academic Affairs
Missoula, Montana 59812-1340
(406) 243-2311. FAX (406) 243-2797

January 24, 1991

Representative Ted Schye
Chair, Education and Cultural Resources Committee
Room 312-1
State Capitol
Helena, MT 59620

Dear Representative Schye:

I want to convey my strong support for HB 125 which is currently before your committee.

As a member of the Board of Regents "Tracks" Task Force, I am keenly aware of the need to further the efforts of the Regents to advance American Indian/minority achievement in our higher education system. House Bill 125 is a modest first step in providing for personnel and operations support in the Commissioner's office to achieve this end.

I urge favorable Committee consideration of this important bill.

Sincerely,



Donald E. Habbe.
Provost and Vice President
for Academic Affairs

DH:sr

xc:Commissioner Hutchinson
President Dennison

Ellen Swaney, Director, American/Indian Achievement

EXHIBIT #6
DATE 1-25-91
HB 125

Fort Belknap College

(406) 353-2205 or (406) 353-2803
P.O. Box 159
Harlem, Montana 59526



Janaury 23, 1991

Representative Ted Schye, Chair
EDUCATION AND CULTURAL RESOURCE COMMITTEE
Room 312-1
State Capitol Building
Helena, MT 59620

Dear Representative Schye:

I intended on being in Helena, January 25 to convey my strong support for HB 125, however the weather has forced me to cancel my flight plans.

As the President of one of Montana's seven tribal colleges I have a direct interest in the need to advance American Indian/minority achievement in our higher education system. The time is right to make this progressive move in providing the staff and operational support in our Commissioner's office for this position. This past year we have seen real progress within our State, in getting the Tribes, Tribal Colleges, Vo-Techs and Universities together for the benefit of Montana's American Indian and minority students. This must continue through the passage of HB 125.

I dedicate my support for favorable consideration of this bill which is of utmost importance to the American Indians and minorities within our State of Montana.

Respectfully submitted,

Margarett C. Perez
President

cc: Loren Stiffarm, Chair, FEC Board of Directors
Ellen Swaney, Director, American Indian/ Minority Achievement
file

EXHIBIT #7
DATE 1-25-91
HB 125

DATE: January 25, 1991.

TO: Education and Cultural Resources Committee.

FROM: Jan Wright, Montana Education Association.

RE: HB 125

I am here today representing an organization that represents educators. And these educators support this bill for all the reasons you have already heard today. I, however, would like to give you a perspective on learning in a foreign language and a foreign culture. I spent a year in Japan on an AFS Exchange when I was 15, a sophomore in high school. I left with "Good Morning!", "Ohayo Gozaimasu" in the formal language and "Ohayo" in the friendly language, and "Where's the bathroom?", "Toire wa doko desu ka?" to survive with. I had no other understanding of the language or culture. I would like to tell you about some of my experiences when I arrived in this strange, foreign world.

I had met the principal of Taisei Girls' School many times. So when I saw him walking on the sidewalk one morning I greeted him with a friendly "Ohayo!" and a smile. He promptly stiffened up, looked straight forward, and walked right past me, not even acknowledging my presence. Needless to say, I didn't understand. I didn't know if women didn't talk to men; if women didn't talk to men walking on the sidewalk; if students didn't talk to teachers; if students didn't talk to teachers in the morning; if foreigners didn't talk to teachers; if he didn't want to acknowledge me in public. I was really confused and

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hurt by his behavior. If I hadn't been so overwhelmed by the challenges all around me and by the welcome I received, I could have easily withdrawn from the school environment and missed out on the many rewarding experiences I had later. All because of a simple cultural misunderstanding.

My withdrawal would not have been the only consequence of my friendly "Ohayo." From the principal's point of view my use of the word "Ohayo" instead of "Ohayo Gozaimasu" was disrespectful of his position in the school. If he had not been so forgiving and understanding of my limited knowledge of the Japanese culture, he could have easily decided I was a rude, impudent American and I would have been labeled for the rest of the year. He had, however, been informed by AFS that my culture did not recognize or understand the proper use of the respectful form of the Japanese language and to expect that I would make that kind of error. As the head teacher, he felt that if he had acknowledged my impudence, I would not learn that addressing a person in a superior position was never acceptable in Japan. Because he was aware of my cultural background, he was very forgiving of my rudeness. In retrospect, I am thankful that he did not misjudge or label me the rude, disruptive, impudent student I appeared. That could have followed me for the rest of my career at that school, and, subsequently, permanently damaged my self-image.

I had many embarrassing experiences in Japan because of my ignorance and forgetfulness, but I chose to tell you

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about this experience because it shows how a cultural misunderstanding could lead a student to withdraw from the academic and social opportunities available through schools, and how a teacher or administrator could, in error, label a student as rude or impudent, and how the same cultural misunderstanding can lead to a greater understanding of the respective cultures by both the student and the teacher. I also chose this example because several studies done in Southwest America have stated that teachers of Native American students often feel that the Native American students are rude and impudent. Are most Native American children really rude or have the teachers been less understanding of the cultural differences that exist than the principal at Taisei in Japan? This appropriation would help people who train teachers to find out what the teachers' and the students' greatest problems and concerns are. As I researched this bill, I was amazed by how little information is available on the cultural difficulties and uncertainties teachers and students experience. The only information I found was on children in the K-12 schools who have Limited English Proficiency (LEP), the most obvious difficulty a student foreign to the American school system would have. The blatant ignorance about this issue also amazed me. Most school districts who have LEP students identified them by their grades! I got a 2.5 GPA in Japan, in Japanese (I have a 4.0 GPA in America, in English), after only one year of language training (granted it was intense),

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1/25/91

but it takes 5-7 years in a country to achieve academic proficiency in that country's language. Had I been in Montana, I would not have received language training because I studied 6 hours a night to achieve a 2.5 GPA. I would have been disadvantaged, my need would have gone unnoticed, because I worked too hard. This is obviously a Catch-22 situation. The fact that schools would use grades to identify LEP students shows that teachers and administrators need training, and that students need support, but we don't even know what training is needed: what is the greatest need of student and teachers? What methods of delivering this training are effective? How many students are disadvantaged because of their culture in our schools (speaking English or getting above a 2.0 GPA does not indicate that a student does not have cultural difficulties!!)? This is critical information. I strongly encourage you to support this appropriation now, because as next door grows to mean Colorado and Idaho, then Canada and Mexico and then Europe and Japan, we will need teachers trained to deal positively with students of different cultures, which will also teach traditional students how to deal positively with peers of different cultural backgrounds. We will need support mechanisms for students placed in the American school system so that they too can achieve in our schools and add to the schools' diversity, which is its strength. We will need to know how to deal

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with cultural diversity so that it is not viewed as a disadvantage but as a benefit in our school system.

I am amazed that AFS Japan provided more training for teachers, administrators and families, and had more support mechanisms for both the foreign students and the domestic students that dealt with the foreign students, than the State of Montana had. Especially when Montana has 3,877 LEP students. At least, 3, 877 students from different cultures in our school system, and AFS Japan had only 300 students.

Trusting that you will make the right decision, I strongly recommend that, for the future of Montana, you give this bill a DO PASS recommendation. Thank you for your attention and consideration.



Salish Kootenai College

Box 117
Pablo, Montana 59855
(406) 675-4800



Testimony
American Indian/ Minority Achievement Position
in the
Commissioner of Higher Education Department

EXHIBIT #8
DATE 1-25-91
HB 125

I am Joyce Silverthorne, a Tribal Education Committee member and Title III Director for Salish Kootenai College on the Flathead Indian Reservation. At the beginning of the Montana Tracks Program, funded by the State Higher Education Executive Officers (SHEEO), the statewide statistics concerning Native American educational attainment were very sketchy. While the statewide Native American population is 4.79% of the total, only 2.5% of the Native Americans were enrolling in higher education, with even fewer graduating. These statistics are not so alarming until you consider that the median age for Montana Native Americans is under 19 years old, and well over half of the adult population had not completed high school. The Tracks project has been actively involved in networking the many facets of education in this state to begin improving the educational achievement of Native Americans. Through this process, it has become apparent that there needs to be communication between the Native American community, the K-12 system, the state post-secondary schools, and the tribal colleges on each reservation.

The American Indian/Minority Achievement position grew out of this need. It is imperative to create the stability of this position if the forward progress that has taken place is to continue. The Office of Public Instruction has maintained a comparable position through the use of Native American entitlement funds. Coordination between the two arms of education in this state is a necessity. Montana is the only state in the union that is endeavoring to monitor the progress of its minority population from Kindergarden through higher education.

With the national identification of the increasing dependence of the labor market on the availability of trained workers, the education of all minorities must be recognized and addressed. Two thirds of the public schools in this state work with Native American students, and all of the post-secondary schools in the state are affected. If these students are to take their place in the workforce of this state, educational achievement must be improved.

EDUCATION AND RESOURCES COMMITTEE
MONTANA STATE LEGISLATURE

EXHIBIT #9
DATE 1-25-91
HB 125

TESTIMONY IN SUPPORT OF HB 125
AN ACT APPROPRIATING MONEY TO THE COMMISSIONER OF HIGHER
EDUCATION FOR AMERICAN INDIAN/MINORITY ACHIEVEMENT
PURPOSES

Robert Fouty, Salish Kootenai College

The Indian People of the seven reservations and major urban communities have much to offer the State of Montana and indeed, the Nation. This time is a period of transition for Indians as individuals and Tribes as social and governmental entities. Tribes have created, and will continue to create, increasingly complex relationships with the majority society and its governmental units.

The State of Montana has demonstrated its desire to work with tribes and Indian communities to find the common ground, to develop processes which move all forward.

For Indian People, as with all people, education provides the keystone to the arch in bridging this time of transition. But is the system working? Are the educational networks meeting the needs of all the participants? What are the opportunities that exist to do more, to achieve the full measure of excellence? The **American Indian/Minority Achievement Program** can provide the tools to answer these and other questions.

For the State of Montana to recognize this need sends a message to its many constituencies that no one will be left out of the education process. The implementation of this program will provide the State of Montana University System and Tribal Colleges with information, expertise and coordination. The data gathering, consultant and liaison functions of this office will fill a void that currently exists in the operations of higher education. We urge the committee to give this Act favorable consideration and support its passage into law.

Thank you



Salish Kootenai College

Box 117
Pablo, Montana 59855
(406) 675-4800



EXHIBIT #10
DATE 1-25-91
HB 125

January 24, 1991

Ted Schye, Chairman
Education and Resources Committee
Montana State Legislature
Helena, MT.

Dear Mr. Schye,

I am writing to support the passage of HB 125 which is a Bill for an Act entitled: AN ACT APPROPRIATING MONEY TO THE COMMISSIONER OF HIGHER EDUCATION FOR AMERICAN INDIAN/MINORITY ACHIEVEMENT PURPOSES.

This office when funded will provide the Commissioner's Office, the Governor, the Legislature, and the Indian community with valuable leadership, pertinent data, and information for positive decision making in dealing with the higher education of Indian people.

Our Nation is entering a crisis of an inadequately trained work force. We are importing skilled labor in the areas of health care and engineering. It must make a concerted effort to make the minority population a major part of the trained work force. Here in Montana our major minority population is the American Indian.

This office will help the higher education community of Montana respond to this critical national and state problem. Please urge your Committee to pass this legislation and to support it all the way into law.

Yours truly,

Joe McDonald
President

SUPPORT OF HOUSE BILL 125

TO: Legislative Education & Cultural Resources Committee.
FROM: Dennis Kimzey, School Administrators of Montana
Representative to the Montana "TRACKS" Project.
DATE: Friday, January 25, 1991

Dear Representative Schye, Education & Cultural Committee:

As the School Administrators of Montana representative to the Montana "TRACKS" project, I have been involved in this most worthwhile and interesting endeavor since its inception, May 1989, and can assure you it is indeed worthy of consideration for funding via the Montana Legislature.

Why? Initially, the projects intent was to "track" Indian students after they left the educational system, and the improvement of an aggregate data base. Originally there was concern expressed by Tribal and Indian representatives (and rightfully so), that collected data could do more harm than good. Consequently, the directors of the project worked diligently to ensure a trust between the seven Montana reservations and the projects intent and goals.

At the secondary level, the Office of Public Instruction has now required local school districts to report students enrolled by grade level ethnicity (interestingly, the American Indian constitutes 10% of the entire Montana K-12 public school population, and inhabit one-third of all school districts).

Consequently, in order to ensure the Indian population contribute to the future of Montana and enter a more sophisticated job market, the following recommendations constitute a state plan.....

1. Legislative action to seat an American Indian representative on the Board of Regents.
2. Coordination between the Montana University systems and Tribal Colleges.
3. Development of a culturally relevant curriculum, grades K-12.
4. Develop a teacher education program that addresses culturally sensitive and competent instruction.
5. And, most important from the "TRACKS" project perspective, and where your committee enters, is permanent state appropriations for the position of American Indian/Minority Achievement in order to coordinate K-12 and higher education systems.

So, as you can tell from the above, what started in May 1989, has eventuated into quite a project deserving continuation and

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attention for the Montana Legislature.

Myself, as well as the School Administrators of Montana, fully support House Bill 125.

It is my sincere wish you give serious consideration to this request.

Thanking you in advance for your consideration. And, continued best wishes the remainder of the fifty-second Montana Legislative session.

Sincerely yours,

A handwritten signature in cursive script that reads "Dennis Kimzey".

Dennis Kimzey, Superintendent
Beaverhead County High School, Dillon
Representative School Administrators of Montana

EXHIBIT #12
DATE 1-25-91
HB 125

PROPOSED BUDGET

Office of the Commissioner of Higher Education
Director of American Indian/Minority Achievement

Personnel

Director	\$35,000
Secretary	\$14,674
Computer Technician (1/2)	\$12,000
Fringe Benefits (+Insurance)	<u>\$14,650</u>

TOTAL PERSONNEL	\$76,324
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Travel — <i>Task Force + Campus visits.</i>	\$ 7,000
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Operations (Communications, Copying, Printing) <i>annual report</i>	\$ 2,500
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Capital Outlay — <i>desk, chair, filing cabinet, etc.</i>	<u>\$ 2,000</u>
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TOTAL	<u>\$87,824</u>
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Grantee: THE MONTANA UNIVERSITY SYSTEM
Beneficiary: Office of the Commissioner of Higher Education
Grant Title: Montana "Tracks" Project

Grant #: 89-110
Duration: 1 year
Amount: \$72,000

GRANT EXPENDITURE BUDGET (REVISED)

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PROJECTED BUDGET--MARCH 1990 THROUGH FEBRUARY 1991

I. Personnel

Project Director.....\$32,500.00
Half Time Secretary.....\$ 7,337.00
Computer Technician (temporary).....\$13,897.45

*Fringe Benefits @ 15% + \$4,875 + \$1,100.55...\$ 5,975.55
Insurance @ \$150/mo x 12 mo for two employees.\$ 3,600.00
\$ 9,575.55

Subtotal.....\$63,310.00

II. Travel.....\$ 5,000.00

@ .21/mile and lodging & per diem rates @ \$38.50
maximum.
Note: Travel for staff and Task Force members
unable to fund their own travel.

III. Printing and Copying.....\$ 1,190.00

IV. Hardware - Computer and Printer.....\$ 2,500.00

Total Cost of the Project.....\$72,000.00

*Fringe Benefits are closer to 22%

Revised August 22, 1990



THE MONTANA UNIVERSITY SYSTEM

33 SOUTH LAST CHANCE GULCH
HELENA, MONTANA 59620-2602

(406) 444-6570

SHZCO Funding
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Ex. 12

MISSIONER OF HIGHER EDUCATION

MONTANA TRACKS PROJECT: American Indians in Education Revised Project Budget

Salary and Benefits	\$26,150.00
Secretarial Services	500.00
Computer Processing/Storage	300.00
Duplicating	200.00
Supplies	350.00
Postage	1,000.00
Telephone	2,000.00
Travel (Project Staff and Task Force)	10,300.00
Consultants/Technical Assistance	1,500.00
Printing	<u>4,000.00</u>
	\$46,300.00

EXHIBIT #13
DATE 1-25-91
HB 202

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 1-25-91 BILL NO. 202 NUMBER _____

MOTION: Rep Simpkins moved To Table
Motion passed 11 aye, 9 No

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN	✓	
REP. ERVIN DAVIS, VICE-CHAIRMAN		✓
REP. STEVE BENEDICT	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. VICKI COCCHIARELLA		✓
REP. FRED "FRITZ" DAILY	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. GARY FORRESTER	✓	
REP. FLOYD "BOB" GERVAIS		✓
REP. H.S. "SONNY" HANSON	✓	
REP. DAN HARRINGTON		✓
REP. TOM KILPATRICK		✓
REP. BEA MCCARTHY		✓
REP. SCOTT MCCULLOCH		✓
REP. RICHARD SIMPKINS	✓	
REP. BARRY "SPOOK" STANG		✓
REP. NORM WALLIN	✓	
REP. DIANA WYATT		✓
TOTAL	11	9

EXHIBIT #14
DATE 1-25-91
HB 143

Amendments to HB Bill No. 142
1st Reading Copy

Requested by House Education Committee

Prepared by Andrea Merrill
January 26, 1991

1. Page 1, line 3.

Insert: "By Request of the Postsecondary Education Study
Committee"

2. Page 2, line 4.

Following: "System"

Insert: ", the community colleges,"



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 444-3095

Nancy Keenan
Superintendent

EXHIBIT #15
DATE 1-25-91
HB 115

January 24, 1991

TO: Representative Norm Wallin

FROM: Dori Nielson
Senior Education Analyst

RE: Districts with Kindergarten Enrollment of 1

Gail Gray informed me that you requested information about 1 student kindergartens in Montana. I gathered that information as well as information on districts that have two students enrolled in kindergarten. Data from the fall reports, October 1, 1990, provided the basis for the following data:

KINDERGARTEN ENROLLMENT OF 1

number of districts:	34 districts, 34 students
district size:	1 district of 26 students
	13 districts 10-18 students (accreditation requires no increase in teachers)
	20 districts 3-9 students (flat rate funding, no increase in foundation costs)

KINDERGARTEN ENROLLMENT OF 2

number of districts:	24 districts, 48 students
district size:	2 students - district of 60
	18 students - districts of 21-35 (already required two teachers)
	28 students - districts of 4-18 (accreditation requires no increase in teachers)

SUMMARY:

In the fall of 1990 82 kindergartners were enrolled in programs with 1 or 2 students in 62 small districts. Parents could choose to take advantage of the kindergarten programs because the district offered the program. The ANB for these students would be approximately 25.5 ANB, a cost of about \$60,000 from the foundation program. That's an average of \$730 each for these 82 kindergarten students - a marvelous investment to help a child hit the floor running when he gets to first grade.

EXHIBIT #16
DATE 1-25-91
HB 175

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 1-25-91 BILL NO. 175 NUMBER

MOTION: Rep Stang moved Substitute Motion
HB 175 No Not Pass - Motion Failed
9 aye, 11 no. Rep. Harrington moved to
reverse the vote Motion Carried 11 aye, 9 no.

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN		✓
REP. ERVIN DAVIS, VICE-CHAIRMAN		✓
REP. STEVE BENEDICT	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. VICKI COCCHIARELLA		✓
REP. FRED "FRITZ" DAILY		✓
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. GARY FORRESTER		✓
REP. FLOYD "BOB" GERVAIS		✓
REP. H.S. "SONNY" HANSON	✓	
REP. DAN HARRINGTON		✓
REP. TOM KILPATRICK		✓
REP. BEA MCCARTHY		✓
REP. SCOTT MCCULLOCH		✓
REP. RICHARD SIMPKINS	✓	
REP. BARRY "SPOOK" STANG	✓	
REP. NORM WALLIN	✓	
REP. DIANA WYATT		✓
TOTAL	9	11

EXHIBIT #17
DATE 1-25-91
HB 105

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 1-25-91 BILL NO. 105 NUMBER

MOTION: Amendment offered by Rep
Thurson (page 2, line 22) add "by
mutual agreement." Motion failed.
8 aye, 12 no

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN		✓
REP. ERVIN DAVIS, VICE-CHAIRMAN		✓
REP. STEVE BENEDICT	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. VICKI COCCHIARELLA		✓
REP. FRED "FRITZ" DAILY		✓
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. GARY FORRESTER		✓
REP. FLOYD "BOB" GERVAIS		✓
REP. H.S. "SONNY" HANSON	✓	
REP. DAN HARRINGTON		✓
REP. TOM KILPATRICK		✓
REP. BEA MCCARTHY		✓
REP. SCOTT MCCULLOCH		✓
REP. RICHARD SIMPKINS	✓	
REP. BARRY "SPOOK" STANG		✓
REP. NORM WALLIN	✓	
REP. DIANA WYATT		✓
TOTAL	8	12

EXHIBIT # 18
DATE 1-25-91
HB 105

Amendments to HB Bill No. 105
1st Reading Copy

Requested by House Education Committee

Prepared by Andrea Merrill
January 26, 1991

1. Title, line 6.

Strike: "AND"

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 3, line 15.

Strike: "are arbitrary or capricious"

Insert: "were based on good cause"

3. Page 3, line 23.

Strike: "arbitrary or capricious"

Insert: "based on good cause"

4. Page 4, line 11.

Insert: " NEW SECTION. **Section 4. Applicability.** [This act]
does not apply to a person who was employed in an
administrative position before October 1, 1991."

EXHIBIT #19
DATE 1-25-91
HB 105

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 1-25-91 BILL NO. 105 NUMBER _____

MOTION: Amendments by Rep. Bailey
Motion Carried (Exhibit 18)
16 aye, 4 no

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN	✓	
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓	
REP. STEVE BENEDICT	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK		✓
REP. VICKI COCCHIARELLA		✓
REP. FRED "FRITZ" DAILY	✓	
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND		✓
REP. GARY FORRESTER	✓	
REP. FLOYD "BOB" GERVAIS	✓	
REP. H.S. "SONNY" HANSON	✓	
REP. DAN HARRINGTON	✓	
REP. TOM KILPATRICK	✓	
REP. BEA MCCARTHY	✓	
REP. SCOTT MCCULLOCH	✓	
REP. RICHARD SIMPKINS	✓	
REP. BARRY "SPOOK" STANG	✓	
REP. NORM WALLIN		✓
REP. DIANA WYATT	✓	
TOTAL	16	4

EXHIBIT #20
DATE 1-25-91
HB 105

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 1-25-91 BILL NO. 105 NUMBER _____

MOTION: Motion by Rep. Davis To TABLE
HB 105 Motion Failed 8 aye, 12 no.

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN	✓	
REP. ERVIN DAVIS, VICE-CHAIRMAN	✓	
REP. STEVE BENEDICT		✓
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK		✓
REP. VICKI COCCHIARELLA		✓
REP. FRED "FRITZ" DAILY	✓	
REP. ALVIN ELLIS, JR.		✓
REP. GARY FELAND		✓
REP. GARY FORRESTER		✓
REP. FLOYD "BOB" GERVAIS	✓	
REP. H.S. "SONNY" HANSON		✓
REP. DAN HARRINGTON	✓	
REP. TOM KILPATRICK		✓
REP. BEA MCCARTHY		✓
REP. SCOTT MCCULLOCH		✓
REP. RICHARD SIMPKINS	✓	
REP. BARRY "SPOOK" STANG	✓	
REP. NORM WALLIN		✓
REP. DIANA WYATT		✓
TOTAL	8	12

EXHIBIT #21
DATE 1-25-91
HB 105

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL VOTE

DATE 1-25-91 BILL NO. 105 NUMBER _____

MOTION: Rep. Harrington moved HB 105
Do Pass As Amended. Motion Carried
13 aye, 7 no

NAME	AYE	NO
REP. TED SCHYE, CHAIRMAN		✓
REP. ERVIN DAVIS, VICE-CHAIRMAN		✓
REP. STEVE BENEDICT	✓	
REP. ERNEST BERGSAGEL	✓	
REP. ROBERT CLARK	✓	
REP. VICKI COCCHIARELLA	✓	
REP. FRED "FRITZ" DAILY		✓
REP. ALVIN ELLIS, JR.	✓	
REP. GARY FELAND	✓	
REP. GARY FORRESTER	✓	
REP. FLOYD "BOB" GERVAIS		✓
REP. H.S. "SONNY" HANSON	✓	
REP. DAN HARRINGTON		✓
REP. TOM KILPATRICK	✓	
REP. BEA MCCARTHY	✓	
REP. SCOTT MCCULLOCH	✓	
REP. RICHARD SIMPKINS		✓
REP. BARRY "SPOOK" STANG		✓
REP. NORM WALLIN	✓	
REP. DIANA WYATT	✓	
TOTAL	13	7

Belgrade Public Schools

EXHIBIT #22
DATE 1-25-91
HB 105

School District No. 44

HARRY D. ERICKSON, Superintendent
YVONNE CUTLER, District Clerk

PAT KRAMARICH, High School Principal - 388-4224
PHILLIP TURCK, Assistant High School Principal
JERRY VANDERPAN, Middle School Principal - 388-1309
CHERYL JOHANNES, Elementary Principal - 388-4104
JEFFREY LOSETT, Elementary Principal - 388-4215
CATHERINE BOTTOMLY, Special Services Director - 388-6951

Phone: (406) 388 - 6951
Mail Address: P.O. Box 166
Belgrade, Montana 59714

January 21, 1991

Representative Ted Schye, Chairman
House Committee on Education and Cultural Resources
Room 104
State Capitol
Helena, Montana 59620

Dear Representative Schye:

Just a few comments regarding House Bill 105:

Although principals have been identified as the most essential link in American Education in effecting positive change for our children in their individual schools, we are faced with a bill, which although well intentioned, is driving a wedge between teachers and principals and could have a negative effect on the teamwork which has made our Montana Schools outstanding.

Economic tenure for both teachers and principal teachers has been one of the links which has made for continuity and trust in this most important relationship. A relationship which has worked well for probably fifty years and is now threatened because a few schools have experienced some problems in this area.

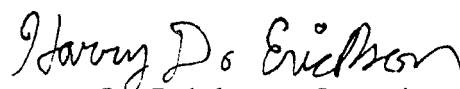
Putting a principal back in the classroom at teachers pay when that person may have been a loyal, effective member of the school and community for twenty or twenty-five years is contrary to the philosophy of fair play.

If that is fair, it would also be fair to put a teacher in a teacher's aide position and pay them teacher's aide salary. I think either would be a miscarriage of justice and a giant step backward for education.

Please consider these items and not the number of people who testify or the length of the line on one side of the bill or the other.

Let the time tested partnership between teachers and principal-teachers continue to serve Montana's children. Leave this law remain as is.....it has worked well!!

Respectfully submitted,



Harry D. Erickson, Superintendent
Belgrade Schools

cc: All committee members
Jess Long, School Administrators of Montana



BELGRADE SCHOOL DISTRICT #44

Quaw Elementary School Belgrade, Montana 59714
91 Southview, P.O. Box 166 Phone: (406) 388-4215



Jeffrey C. Losett
Principal

Bea Griffis
Administrative Assistant

EXHIBIT #23
DATE 1-25-91
HB 105

January 21, 1991

Representative Ted Schye, Chairman
House Committee on Education and Cultural Resources
State Capitol - Room 104
Helena, MT 59620

Dear Representative Schye:

With the committee hearing on HB 105 approaching, I would like to take this opportunity to express my concerns with its contents.

School administrators, just as teachers, are presently protected by certain property rights including tenure, seniority and salary status.

When a person accepts a position with pay increase, his or her economic decisions are very much tied into the expected salary. This would be similar for a teacher or administrator.

If, for some reason, the local school board felt it needed to reassign an administrator into a teaching position, the seniority, tenure and salary status should be left in tact. Negating any of these categories would in a sense be penalizing the individual unnecessarily.

If, for some reason, a local school board opted to reassign a teacher to the position of a classroom aide, would he or she also lose tenure status, seniority, salary and collective bargaining rights. I would envision this as not being the case.

I would ask that you look seriously at the bill's intent and base decisions on the existing property rights of administrators. I feel we should enjoy the same protection as would a teacher in a similar situation.

During your committee hearing, please look at this bill closely and work to protect the rights of educators. As presently worded I would urge you to **VOTE AGAINST HB 105**. It is a step backwards in education.

Thank you for taking the time to listen.

Sincerely,


Jeff Losett

cc: All committee members

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

EDUCATION & CULTURAL RESOURCES

COMMITTEE

BILL NO. 125

DATE January 25, 91 SPONSOR(S) Rep. Gervais

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Dale Shupe	Heart Butte School			
GARRY V. M'GUIRE	SD #12 HARLEM			
JOYCE A SILVERTHORNE	CS41LT/S ICC	125		✓
JOHN HUTCHINSON	MUS			
Ellen Swaney	MUS	125		✓
Wayne Severtson	Laurel Public Schools	154		✓
ROBERT FOUTY	SAKISH KOTSEVAI COLLEGE	125		✓
Jan Wright	MEA	125		✓
Sherwin K. Smith	HSBA Chateau	125		✓
Mark Burkhardtsmeyer	Chinook Schools			
Patrick M. Pung	Columbia, Alaska			
Patrick M. Pung	ASUM	125		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

EDUCATION & CULTURAL RESOURCES

COMMITTEE

BILL NO. 217

DATE January 25, 91 SPONSOR(S) Rep. Spring

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Roger Mack Livingston MT	Arrowhead School Dist 25			
MYRNA PAULUS CHOTEAU, MT	CHOTEAU S.D. #1			
DON BOGUE KALISPELL MT	SCHOOL DIST # 50			
GARY FISCHER KALISPELL MT	TEVERBRIGHT SCHOOL DIST #5			
GRAIG K. LAFOND MALTA MT.	EVANSTON SCHOOL DIST 14 & A			
Marion Van Curen Bridger	School dist # 1			
R. Westerman	MACSS		✓	
Harry R. Engh	Bulgrade			✓
LARRY D. WILLIAMS	GREETS FALLS S.D. 181A	217		✓
Mary Dunn	" " "			✓
Ken Mondquist	GF. Pub Schools			
Bruce W. Moerer	MSBA	217		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.