

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By Chairman Ted Schye, on February 13, 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)

Members Excused: Rep. Dan Harrington (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 407

Presentation and Opening Statement by Sponsor:

REPRESENTATIVE DOROTHY BRADLEY, House District 79, Bozeman, presented written testimony **EXHIBITS 1-4** from proponents of HB 407 that were unable to attend the hearing. HB 407 is a Constitutional Amendment that would add an eighth member to the Montana Board of Regents. The individual would be a Native American. It is most appropriate and timely, because all

citizens in Montana should take pride in the fact this state has more tribal controlled colleges than other states in the U.S. This is an incredible statement as to the commitment in the state and communities. It is a rather phenomenal success story. There are some 1,700 Indian students attending the tribal colleges and 300 non-Indian students taking advantage of them. In 1950, there were 350 Native American students in high school as opposed to today where there is 3,000. In the near future, there is a potential of 10% of college enrollments being Native American students.

Proponents' Testimony:

SEN. DELWYN GAGE, Senate District 5, Cut Bank, said he has served on the Indian Affairs Committee every interim since he has been involved with the Legislature. Education became a very big concern considering the high unemployment on the Reservations, alcoholism, drug abuse and a multitude of other problems that stem from lack of education. As a part of that study, the Interim Committee was able to obtain a grant to pursue a program called TRACKS. This program will put a data base into place to track the Indian students in the state, and try to find out why they are dropping out of school. The study proposed to appoint an Indian on the Board of Regents. He had asked the Interim Committee if he could talk to the Governor, because the position is by appointment, to see what the Governor's preference would be in this regard. After discussing this with the Governor, he was informed that the Governor would rather the Interim Committee not have this requirement placed in the statutes. The Governor did not have anything against placing an Indian on the Board of Regents, but he feared if a Native American was placed on the Board, then every group in Montana would want a person to represent them on the Board. This bill will put this issue on the ballot to expand the board to eight persons with the provision that a Native American will be that eighth person. He didn't think if this was expanded to include a Native American that the other groups would react indifferently if the Native American had been on the Board originally. He felt it is appropriate to recognize this in Montana's Constitution to recognize the Native American culture, and to preserve and honor it.

Jack Copps, Deputy Superintendent, Office of Public Instruction (OPI), said Nancy Keenan, Superintendent of Public Instruction, had asked him to express her deepest concern in this matter, and that she feels strongly for the representation of a Native American on the Board of Regents. The American Indians should be represented at the Board of Regents level. The rationale for this support is; Montana's Constitution in Article 10, which states, "In its educational goals, the state recognizes the distinct and unique cultural heritage of the American Indian, and is committed in its educational goals to the preservation of their cultural integrity." He said this constitutional goal is not readily obtainable if the American Indian is not able to

represent themselves.

Bum Stiffarm, Montana Indian Education Association, Fort Belknap, said he supports HB 407. Each of the seven Reservations now have tribal controlled community colleges. Many have existed for 10 years or longer. Each college is governed by a board of directors or a college board that oversees the administration and development of the respective colleges. Indian people that are appointed to these boards take their positions very seriously and are very dedicated. From that, the expertise and abilities have been gained for the success of those colleges. The facilities and curriculum has increased to the point that it would probably surprise most of the people in Montana. He said the Native Americans have gained the necessary expertise to serve on the Board of Regents. The Indian communities have submitted name after name, and not once has a Native American served on the Board of Regents. They are informed the applicants do not meet the required qualifications. He didn't know what the criteria is for the Board and he wanted to know what it was, if there is one. He said that most of the Indian Tribes in the state contract for higher education programs in the BIA (Bureau of Indian Affairs), under Public Law 93-6-38. They administer scholarship funds for the students to go on to the University System. He said they urge their students to leave the communities to receive a higher education, but come back home and work in their schools, work in the tribal programs, and be members of the community council, and lawyers so the tribes can be represented well in hearings and other matters pertaining to tribes. He said the higher education coordinator and himself work on a daily basis with every unit of the University System. He said they know the ins and outs of student funding, student concerns, instructor concerns and their problems. Within the state of Montana, 16% of the University students are Native American. Excellent role models are on the rise in the tribes of Montana. There are many excellent Native Americans that would make excellent board members to the Board of Regents. **EXHIBIT 5.**

Walter C. Fleming, adjunct Assistant Professor, Native Americans, MSU, Bozeman, submitted written testimony. **EXHIBIT 6.**

Joe McDonald, President of Salish Kootenai Community College, Pablo, submitted written testimony. **EXHIBIT 7.**

Marj Clark, MSU, Bozeman, submitted written testimony. **EXHIBIT 8.** This exhibit also includes written testimony from Dr. Ken Bruwelheide, Associate Professor of Agriculture and Technology Education, and Dr. Maurice Burke, Assistant Professor of Mathematics.

Cher Desjarlais, MSU student, said she is a member of the Fort Belknap Reservation and is in strong support of HB 407. She said it is critical that her views, concerns and interests as a student be taken into consideration in the formation of policy that governs the University System. It is her belief that having

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a policy maker who is Native American will enable the Indians to rectify the sensitivity, ignorance and lack of understanding that minorities, such as the Indian students experience. She urged the committee to vote in favor of HB 407.

Deborah Wetsit LaCounte, American Indian Higher Education, submitted written testimony. **EXHIBIT 9.**

Karen Fenton, Salish Kootenai Tribes, stated her support for HB 407. She said this legislation is an important and beneficial bill to the Indians of this state. She thanked **REP. BRADLEY** and **SEN. GAGE** for their efforts and initiative in the introduction of this bill.

Joyce Silverthorne, Tribal Education Committee, Member of TRACKS, presented written testimony. **EXHIBIT 10.**

Monika McKamey, ASMSU Lobbyist, said that ASMSU supports this bill for the reasons already mentioned. The student population is very diverse with many ethnic backgrounds. Having a Native American on the Board of Regents will offer refreshing and different viewpoints on the Board. This bill will strengthen the relations with the tribal colleges, because many of the students would be able to continue their education at the University System.

Jim Smith, Montana Residential Child Care Association, said that the American Indians are overly represented on their public assistance caseloads. He said that 20% of the low birth weight, high risk infants born in Montana are Native Americans. Most of these births are a result of the fetal alcohol syndrome. Over 25% of the foster children in Montana are Native Americans, and up to 25% of the Aid to Families with dependent caseload is made up of Native Americans. The greatest predictor of success in life is education, and success in life is education. He hoped that HB 407 could be a link between these two facts of life in Montana, and that the representative on the Board of Regents, a Native American, can be that link.

Tracie Buckless, Middle School Counselor, Ronan, submitted written testimony. **EXHIBIT 11.**

Marilyn Wessel, self, said she supports this bill, because it is entirely appropriate that the Montana Constitution be amended to add an eighth member to the Board of Regents and have that member be a Native American. Since the ratification of the Constitution, there has been a bloom in the tribal college system, which provides educational opportunity for many hundreds of Indians as well as non-Indian students. These students often transfer into the University System, and many units have special articulation agreements that encourage these transfers. In the universities and colleges can be found centers for Native Americans studies and creative new programs, i.e, the Minority Biomedical Project. Native American students have shared their

cultural approaches and ideas with non-native students, enriching the university experience for all of them. What makes this Constitutional Amendment important is that many of the Montana students, as they are educated today, will live in a world in which they will more and more often be parts of a minority population themselves. In several states in this nation, by the year 2010 the white population will be minorities. It is the responsibility of the Board of Regents to make certain that Montana citizens encourage and enact educational policies that will take these issues into account. It's not just a matter of special educational opportunities for Indian students, but of adding perspective to the educational canon for all students. The appreciation of cultures is something which all Americans bare a burden of responsibility. The addition of an American Native to Montana's Board of Regents will move Montana forward as a state and, for that, this is well worth doing. She thanked **REP. BRADLEY** for her foresight in the introduction of this bill, and urged the committee for a do pass of HB 407.

Bob Fouty, Development Director, Salish Kootenai Community College, Pablo, said the distinguished speakers before him have eloquently said all the things he wanted to say. His grandpa always told him to know when to shut-up. Grandpa is gone and the lesson still remains. He urged the committee to support HB 407.

Questions From Committee Members:

REP. SIMPKINS asked **Dr. McDonald** if there has been any previous attempt for legislation to place a representative from the tribal councils on the Board of Regents. **Dr. McDonald** said not to his knowledge has this been done. It is his understanding that it was a legislative mandate some years ago to have a student on the Board of Regents.

REP. SIMPKINS asked **Mr. Fleming** about the written testimony that he had given the committee. It states "To that end, the Board pledges its cooperation with the Board of Public Education, OPI, American Indian tribal colleges, and other American Indian and minority entities within the state, etc.". Has this been done? **Mr. Fleming** said it has. It has been his experience that the Board of Regents has become much more enlightened by its contact with the people within the offices, i.e., OPI. Those efforts are beginning to pay dividends with greater understanding.

REP. SIMPKINS said the Constitution is quoted in the bill, and it states that the Montana University System shall supervise, coordinate other public educational institutions assigned by law. He asked **REP. BRADLEY** if tribal colleges are part of the University System; and does this Legislature have the authority to sign, supervise and allocate control of the tribal colleges to the Board of Regents? **REP. BRADLEY** said the colleges are not regulated under the authority of the Board of Regents. They are seven tribal controlled colleges that are autonomous, and on their own. This is not an effort to move in on that, nor do they

have the ability to do that. It is an effort for cooperation and coordination. **REP. SIMPKINS** said the Legislature does not have the authority to place the tribes under the Board of Regents, therefore, the Board of Regents with a Native American on the board, would not have any control over the tribal colleges. **REP. BRADLEY** said this is an enhancement of coordination. Many of the students that go to the tribal colleges move on to the higher education system in Montana. There are a lot of concerns about financial aid, transferring of credits, core curriculum, and coordination, etc. **REP. BRADLEY** said in discussing this with **SEN. GAGE**, he had consulted with others and their preference was not to go through the statutory process. She spoke with those that were on the interim study. She informed them that even with their endorsement, there was no support for the statutory route, so she asked how they felt about a Constitutional Amendment. She said their reaction was immediate in the placement of their signatures on the bill.

Closing by Sponsor:

REP. BRADLEY thanked the committee for giving her the time, and felt it was one of the best hearings she has attended. She urged the committee to bring this promise to life with the passage of HB 407

HEARING ON HB 582

Presentation and Opening Statement by Sponsor:

REP. JESSICA STICKNEY, House District 26, Miles City, said that HB 582 will prohibit the approval of plans and specifications for construction or remodeling of the school building roof if the proposed roof slope is less than three-fourths of an inch per foot. She said this situation was brought to her attention by Robert Richards, Superintendent of the Miles City School District. She said in speaking with people who have flat roofs in snow country, she thought it would be worthwhile to bring it before the committee in the form of this bill. She said that Mr. Kimbel, Public Safety Division, Department of Commerce, was present to answer questions.

Proponents' Testimony:

Robert Richards, Superintendent, Miles City Schools, said he has been involved in education in Montana for the past 25 years. During that time, he has visited with or worked in many school buildings in every area of this state. It has always amazed him how many of these schools have leaking roofs. He said the key element of this bill states "the plans and specifications for construction or remodeling of a school building may not be approved if the proposed slope of the roof is less than three-fourths of an inch per foot". He distributed written testimony.

EXHIBIT 12.

Earl B. Lamb, Great Falls Public Schools, said they are very interested in roofing. They recently passed a building reserve of \$8.8 million. In the next 10 years they plan on re-roofing most of the school buildings. He said this bill should be passed with a requirement for a slope of at least 7.5 degrees on any re-roofing job that is done. This will allow additional insulation to be installed. As with most schools, when the roofs leak, the asbestos in the ceilings comes through with the water, exposing everyone to danger. He urged the committee to pass this bill in its original form.

Opponents' Testimony:

Gary Griffith, Supervisor of Schools Maintenance, Bozeman, said in 1978, the Bozeman School Board found themselves having real difficulties with leaks in the school roofs. He said they had a one line phrase when trying to sell the bond issue, it said "they have 11 acres of roof and 10 acres of leaks". The bonding reserve levy passed easily. He said the Bozeman School District has spent over \$1 million since 1980 repairing the roofs. About \$400,000 was for insulation. They are using the system that is before the committee today. He said they used to have a \$5,000 to \$6,000 budget for repairs of roofs alone, and with this system, they spent less than \$100 last year. The two new schools in Bozeman have flat roofs. If they had gone with the sloped roofs, it would have cost over \$750,000. Sloping the roofs will take away class room space. When a flat roof leaks and if the school districts used the right contractors and material, with the system in this bill, an 800 number is dialed, and the roof is fixed free of charge. The installers of the single ply membrane flat roofs want their roofs to work.

Joanne Chance, Montana Technical Council, said legislators should not have to deal with construction or the repair of roofs. This bill will increase the costs unnecessarily to the school districts. The specified slope is not the problem. It is basically the problem of an ancient past roof design that is no longer accepted by code. It is also a problem of poor installation. According to two major architectural firms in the state that specialize in the renovation and design of schools, new roofs are designed of rubber sheets and are installed independently of the roof's structure. The Uniform Building Code, which is the design bible of architects and engineers, is developed nationally by a panel of experts, and is adopted by the State Department of Commerce's building codes. The codes currently specifies a minimum of an one-fourth of an inch roof slope, which is sufficient according to design professionals across the nation. What is needed is more attention to proper installation. She said this bill is a bad solution to an existing problem. It is best corrected by following the uniform building code.

Closing by Sponsor:

REP. STICKNEY said that anyone who has had to pay many dollars of their school district's money to repair flat roof leakage, can see some value in this bill. This bill is one solution, and reiterated previous testimony stating that professional contractors and materials are probably the answer. She urged the committee to support HB 582.

HEARING ON HB 486

Presentation and Opening Statement by Sponsor:

REP. DAVE WANZENRIED, House District 7, Kalispell, said this bill proposes that the state appropriate \$125,000 for the general fund to assist the Office of Public Instruction (OPI) in developing and acquiring a software program to keep pace with changing accounting requirements that are being imposed by the state on school districts in Montana. Last session there were a number of requirements and standards that were laid upon the school districts in the state. There is a private sector that is responding to developing the software and making those programs available to school districts. The problem areas are when the software is in place, they have to be maintained. Once the changes are made, the software has to be adapted to reflect those changes. This bill will develop a software program that will be specifically designed to accommodate the accounting and reporting needs of the Montana school districts. The bill was introduced in response to a survey done by OPI. Approximately 60% of the school districts responded with over 100 of the districts indicating where they were in need of some uniformity and unification in terms of the kinds of software that are available.

Proponents' Testimony:

Kathy Fabiano, OPI, distributed several handouts. **EXHIBITS 13** and **14**. **EXHIBIT 13** is from Roger Heimbigner, Laurel Public Schools, stating his support for HB 486. **EXHIBIT 14** is a list of the schools and school districts showing their general fund budget. She said this bill will authorize a general fund loan of \$125,000 to OPI. The loan proceeds will be used to purchase or develop a software accounting package designed specifically to accommodate the accounting and reporting requirements of Montana school districts. The software will run on a variety of computer systems. The districts interested in purchasing this software package will be charged a minimum amount necessary for OPI to recover the cost of development. OPI will then repay the general fund loan no later than June 30, 1995, using revenues generated from the sell of the software to the districts. Benefits to the district include free telephone support, hands-on training from OPI, and updates as necessary for changes in the chart of accounts or accounting principles.

Earl B. Lamb, Great Falls Public Schools, said he is in support of this bill. There is a need for a uniform accounting system within the state. This can only be accomplished in full with

this electronic reporting method. He urged the committee's support of HB 486.

Opponents' Testimony:

Randolph Jakes, Diversified Computing Inc., Kalispell, said the company he represents is a vendor of software to school districts throughout Montana. He is opposed to this bill because it is an attempt to replace their livelihood with yet another government bureau to deal with this portion of accounting for the schools. He asked the committee to consider the long-term costs involved in the creation of a product i.e., accounting software system. This will be another one of those costs over time. There are numerous software vendors who have created programs that meet or exceed all the requirements of GAP accounting. They include: 1) IBM Corporation; 2) Softwise Company; 3) Foxie Lady Computers; 4) Big Sky Data Systems; and 4) themselves, Diversified Computing. EXHIBIT 15.

REP. LINDA NELSON, House District 19, Medicine Lake, spoke in opposition. She distributed written testimony from **Karen Schaefer, Consultant for Foxie Lady Computers.** EXHIBIT 16.

Cal Wahl, Foxie Lady Computers, Hamilton, opposed HB 486. His concern stems from when they approached OPI in 1982, when the program was started and were told to stay away from this program, that it will not work on a micro, and leave it to the minis and the main frame. All of the vendors have diligently complied with GAP procedures that were placed into effect from the last legislative session.

Jerry Hudson, CPA, Billings, said he has done work for some of the companies that provided the software for the school districts and for OPI. He has been an auditor for some of the schools in Yellowstone County, and in speaking with several of the supervisors of schools about this change, they are not happy with OPI taking away local control in the school districts.

Carl Fox, Owner, Foxie Lady Computers, Hamilton, stated his opposition for HB 486. The school districts do not want to switch. To develop and distribute this software package, the cost will be far greater than it would for them to use his company or the other companies that are involved.

Questions From Committee Members:

REP. BENEDICT asked **REP. WANZENRIED** if the committee should be appropriating taxpayers' money to place OPI in the business of competing with private enterprise, the same people who pay those taxes. **REP. WANZENRIED** said the issue to consider here is the question of how well. There is a problem with some of the vendors that are providing a service that is not adequate. Either the money is being spent at the state level to subsidize the school district's operations, or they make it up in local

property tax dollars. There is a dramatic cost associated with modifications far beyond what it might cost, which the state did in looking to get into this business. He said the bill does not require the school districts to use the system. If they are satisfied with what they have, they can keep that system. He said the appropriation calls for the state to develop a software package, therefore, there would probably be an element of competition.

REP. SONNY HANSON asked Kathy Fabiano how many of those 100 school districts that wanted this system will subscribe to OPI services, if they informed the school districts that they would have to pay \$2,500 up front to help pay for the development of the software program, rather than getting the funds from the general fund. There will also be 2 FTEs required to service this for free. He asked her if there would still be a hundred school districts wanting this. Ms. Fabiano said the survey did not say that OPI would not be doing this for free for the school districts. It was made very clear that OPI would have to charge to recover the costs.

REP. ELLIS said the list (EXHIBIT 14), that was distributed does not have 100 schools listed on it, only 95. Of the 95 schools, 33 are small districts of \$200,000 total budget or less. What would the software cost for these smaller schools be? Mr. Wahl said it depended on if it was a high school and an elementary school district. It would cost \$650 X 5, which means the schools receive 5 modules at \$3,250, plus \$500 to set the system up. If it is an elementary district by itself, it would cost \$1,950 for the software and \$500 to set up, which would include training. In 10 years his company has never charged for a phone call. REP. ELLIS asked what would the cost be for the districts that are up in the \$millions, i.e., Kalispell. Mr. Wahl said they do not handle the systems for the larger districts.

Closing by Sponsor:

REP. WANZENRIED thanked the committee for a good hearing. He said this is a good concept, because it is done on a loan basis. It is not the intent of the bill to replace anyone's livelihood, but in the areas where there is a market that is not taken care of or a market that is, but not on a satisfactory basis. There is a legitimate question to be answered by the state as to how that void is filled. It is not the question on how to invent the wheel, but how well the wheel is working. This bill proposes to help take care of the situations where the private sector has not been able to respond or not respond satisfactory. The bill does not state that OPI will be writing the program, and thought it might be done on a bid process. He urged the committee to support HB 486.

HEARING ON HB 540

Presentation and Opening Statement by Sponsor:

REP. DICK SIMPKINS, House District 39, Great Falls, said this bill is the same bill that was heard last session as HB 9, sponsored by REP. RAY PECK. One of the key issues in this bill is on page 2, lines 9 and 10. It states that the Board of Public Education may not implement a rule until after July 1 following the next regular legislative session. The Board wants to determine that any rule that they adopted had a financially significant impact on the schools, and submit a request to the Legislature, to fund that particular rule through the foundation schedule. The problem is that it does not state what happens if the Legislature does not fund it. This bill defines a substantially financial impact as an amount that cannot be readily absorbed if the budget of a school program already exists. On December 1, 1988, the Board submitted a request to the Legislature to finance the entire "Project Excellence" package. The exact details have not been worked out, i.e., price tag etc., which ranges up to \$152 million. When the legislators were sworn in on the January 2, 1991, meant that this was the next legislative session. They added on "postpone days", delayed implementation dates, therefore, the financial impact was not going to hit until the following fiscal year that the Legislature was considering, the reason there is no fiscal note for this legislative session. When REP. PECK introduced this bill, there wasn't any interest in it. He talked with the school district in Great Falls who informed him the fiscal impact to them would be \$1.4 million to meet the new teacher requirements, smaller classroom sizes, place in the guidance counselors, and may have to open up a school that has already been closed, etc. This bill will create a situation that states if a school system cannot absorb the financial impact within their budget they must come to the Legislature to receive the funding before it can be placed into the administrative rules, i.e., the accreditation standards. The Board acknowledges that the current new accreditation standards have a price tag of \$20 million for 1 year, which is the second year of this biennium. The Board cannot implement rules of a financially significant impact until the Legislature funds it.

Proponents' Testimony:

Chip Erdmann, Montana Rural Education Association, said the predecessor organization to the MREA supported the bill that REP. PECK had introduced last session. The problem stems back years ago when the Board would promulgate standards, and the Legislature would never meet with them. The board kept funding standards and the Legislature wasn't aware of what was going on. He felt this created the underfunded lawsuit, because the districts had to go back to the local taxpayers, which was unequalized. This issue was originally addressed in 1985. He distributed copies of the rules. EXHIBIT 17. The bill was amended in the 1987 Legislature with language from the Board. The problem still exists, there is no link between what the State Board of Public Education does in adopting standards and how this Legislature responds in funding them. The concept of the bill is

good, but there is language that MREA does not support, which is "that the Legislature approve and fund". Approval indicates that the Legislature is giving the oversight for the accreditation standards to the Legislature, and that is going too far. He said this could be solved by the Board themselves by adopting regulations along this line, but it hasn't been done.

Bruce Moerer, Montana School Board Association (MSBA), said they support the concept of this bill. The dispute involves the new accreditation standards and the cost of those standards. He emphasized that the standards are not bad. He said MSBA went on record at their delegate assembly and convention in support of the 8 and 8% increase in the foundation program schedules, partly because of the increased costs of funding the standards. He said that MSBA acknowledges that alternative standards are possible under the new accreditation standards. The issue goes back to 1985 when the original legislation was passed to prohibit standards without funding mandates. There are some technical problems with the language in the bill. He said MSBA would like to see the language go back to its original form in the 1985 bill. He asked the committee to fund the standards.

Opponents' Testimony:

Wayne Buchanan, Board of Public Education (BPE), said that BPE wanted to be recorded in opposition to HB 540. This bill is the wrong vehicle in the wrong form and utilizes the wrong process for addressing any grievances in regard to the accreditation standards. He illustrated the new standards to address some of the problems with this legislation. On lines 17 through 20 of the bill will require a determination of the fiscal impact of a proposed rule prior to any hearings being scheduled. The current standards resulted from a study which was mandated and funded by the 50th Legislature. It was dubbed "Project Excellence". The study took 2 years and cost \$150,000. It involved 18 public hearings across the state. After the standards were in semi-final form, there were numerous compromises by the educational community prior to their adoption. He said it would have been impossible to determine the fiscal impact of the standards prior to the hearings. It would have been a violation of the existing law if they had been determined. The Montana Administrative Procedure's Act requires that the public be afforded the opportunity to be heard and participate in the formulation of administrative rules. Part of the standards that have been criticized and are very costly, are those related to class size. He referred to the information that he had distributed. **EXHIBITS 18 and 19. EXHIBIT 18** is a copy of the Montana School Accreditation Standards and Procedures. **EXHIBIT 19** is his written testimony in opposition to HB 540. It states that the system is working very well; and there is no reason for this bill and it should not leave the committee.

Jack Copps, Deputy Superintendent, OPI, said that HB 540 suggests that Montana's historic process is out of control. He said this

is not the case. There is insufficient evidence at this time to conclude that the current process is broken and requires fixing. To conclude that the time has come for the Legislature to serve as a corrective parent to a misbehaving child reflects on Montana's diverse citizens toward the establishment of the instructional component of the state's basic system of quality education as was evidenced in Project Excellence. Equally amenable, the process does encompass elasticity, recognizing that reviewing, developing and revising standards is dynamic and never finished. Standards must be reviewed regularly and modified when they become impractical. He said HB 540 states that where there is substantial fiscal impact, which is defined as an amount that cannot be absorbed by any single school district program in this state, the Board then shall not adopt a rule, a single policy, a single standard no matter how visionary, or futuristic it might be, until the Legislature funds it.

Kay McKenna, Montana Association of County Superintendents, said that each person in government has a job to do. The Supreme Court interprets the Constitution and the Legislature passes bills and resolutions that sometimes change the Constitution. The Board of Public Education and OPI make policy decisions, usually called the arms. She said the system that is in place now is working very well. She is concerned about the Legislature approving policies, rules and standards, when they only meet every two years.

Jesse Long, Director, School Administrators of Montana (SAM), said they are in opposition to HB 540. He said that, educationally and philosophically, the accreditation standards are valid. The State Board of Public Education needs to be able to and be willing to postpone or delay some of the implementation dates on the accreditation standards.

Eric Feaver, Montana Education Association (MEA), said that MEA is opposed to HB 540.

Teresa Reardon, Montana Federation of Teacher (MFT), said MFT is opposed to HB 540.

Closing by Sponsor:

REP. SIMPKINS thanked the committee for a good hearing. He urged their support of HB 540.

HEARING ON HB 435

Presentation and Opening Statement by Sponsor:

REP. BARRY STANG, House District 52, St. Regis, said the members that were on the Education Committee last session heard HB 28 on the floor of the House. He was very disappointed with HB 28, because he thought it discriminated against small rural schools. At that time, the people involved with the rural schools did not

have a solution to this problem. HB 435 is a revision of that method by calculating the guaranteed tax base (GTB). He said the bill has some flaws and offered amendments. The amendments will take the fiscal note from a minus \$16 million for education to a plus of \$2.6 million.

Proponents' Testimony:

Chip Erdmann, Montana Rural Education Association, said this bill is not just a good bill for the districts that receive GTB, but it is good for all rural school districts. It keeps the concept of distribution of state funds the same as it has historically been. The historic way of distributing funds from the state level in Montana is by recognizing that it cost more per student to educate kids in the rural areas. The foundation schedules have been weighted since 1949. HB 28 did away with this historical concept.

Frank Loehding, Superintendent of Bainville, Schools, stated his support for HB 435. He distributed written testimony. **EXHIBIT 20.**

Linda Carlson, Superintendent of Schools, St. Regis, said she is in support of HB 435 with the amendments to the non-tax revenue. The average per capita income in her district for residence, is \$9,800, which is substantially below the average \$12,000 per individual. She said with that low income, her district receives a little more than \$2 per mill per student in the elementary area, and no GTB monies in the high school. With this revision, because they are a small district, they could garner a few more dollars. With the help of the GTB, it could be more fair to the local taxpayers and help off-set their needs.

Teresa Reardon, MFT, wanted to go on record in support of HB 435.

Questions From Committee Members:

REP. GERVAIS asked what the difference is with the Public Law 80-874 funds now as compared to before. **REP. STANG** didn't think it changed anything, but the method of computing the GTB. He asked **Mr. Erdmann** to answer. **Mr. Erdmann** said the change in the allocation method does not change any of the Public Law 80-874 funds. When the rough figures were run, the 874 districts stayed neutral in the whole process.

REP. ELLIS said the proposal that changes funding for certain districts who were operating schools in unincorporated towns or are 3 miles apart, are using two A's and B's. If this is dropped to one A and one B, it would dramatically affect their funding and will have to use the 104%. He asked for an explanation. **Mr. Loehding** said if they combine their districts, the total amount of foundation program monies they receive will be less, and the GTB on this would also be less. **Mr. Loehding** said the 104% doesn't have anything to do with this bill.

REP. SIMPKINS asked if the Legislature goes back to the foundation schedule where the GTB was taking care of the inequality in the tax base with the dollar amount for every mill that is raised, will it be distracted from this because there will be a viable schedule if it is based on the foundation schedule. **REP. STANG** said that HB 28 did not address this issue very well. In his county, it accentuated the problem of no tax base and no students. With no tax base for his small district, his county should have been receiving money under the GTB.

CHAIRMAN SCHYE asked **REP. STANG** what he meant by HB 343 and this bill being combined. **REP. STANG** said that he thought they would both work together under the original formula, but with the amendments added to this bill they should be dealt with separately.

REP. FORRESTER asked who will receive under this bill; what does it do; and who loses? **REP. STANG** said that OPI was still working on that information.

Closing by Sponsor:

REP. STANG said that people are looking at this as a big school and little school issue. This bill reallocates the funds based on the districts. He said **Mr. Loehding** is making a graph that will give the committee the description of the current method that is being used versus this method.

EXECUTIVE ACTION ON HB 582

Motion/Vote: **REP. FORRESTER** MOVED HB 582 BE TABLED. Motion CARRIED unanimously.

EXECUTIVE ACTION ON HB 534

Motion: **REP. DAVIS** MOVED HB 534 DO PASS.

Motion: **REP. DAVIS** MOVED TO AMEND HB 534.

Discussion: **Ms. Merrill** explained that the amendments provide that if more than half of the electors of a high school district resided outside the territory where the post elementary is located, than 10% of the electors of that high school district could petition for an election to consider an alternative method of electing high school trustees. This would allow them to elect all of the trustees at one time. The method would involve electing 1 trustee from each one of the feeder elementaries that have territories in the district. Then there would be 2 or 3 trustees elected at large within the whole high school district. This would depend on whether the number of feeder elementaries when added to the 2 or 3 would result in an odd number, because school boards work best with an odd number. After the next regular school election, all the trustees would be elected and would draw by lot after the election to see if they had a 1 year,

HOUSE EDUCATION & CULTURAL RESOURCES COMMITTEE

February 13, 1991

Page 16 of 16

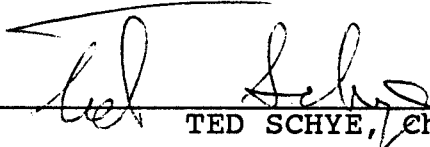
2 year or 3 year term. This method is used when new districts are created. Only 1 petition can be submitted once every 5 year period. The other 2 amendments are to coordinate with this new concept.

Vote: Motion CARRIED unanimously.

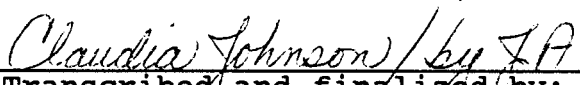
Motion/Vote: REP. WYATT MADE A SUBSTITUTE MOTION THAT HB 534 DO PASS AS AMENDED. Motion CARRIED 16 to 3 with REPS. WYATT, STANG and MCCULLOCH voting no.

ADJOURNMENT

Adjournment: 6:30 p.m.



TED SCHYE, Chair



Transcribed and finalized by:
CLAUDIA JOHNSON, Secretary

TS/cj

HOUSE OF REPRESENTATIVES

EDUCATION AND CULTURAL RESOURCES COMMITTEE

ROLL CALL

DATE FEB. 13, 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	✓		

11135
2-14-91
1 DB

HOUSE STANDING COMMITTEE REPORT

February 14, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 582 (first reading copy -- white) do pass.

Signed: _____
Ted Schye, Chairman

HB 582 was
referred to Education
& Cultural Resources
2/16/91, and tabled
in committee 2/18/91.

D. J. M. S.

HOUSE STANDING COMMITTEE REPORT

February 14, 1991

Page 1 of 3

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 534 (first reading copy -- white) do pass as amended.

Signed: _____
Ted Schye, Chairman

And, that such amendments read:

1. Title, line 7.
Following: "WITHOUT"
Insert: "EQUITABLE"

2. Title, line 8.
Strike: "SECTION"
Insert: "SECTIONS 20-3-302, 20-3-351 AND"

3. Page 1, line 18.
Following: "without"
Insert: "equitable"

4. Page 1, line 21.
Following: "positions"
Insert: "under the provisions of subsection (2) or when the electors approve an alternative method of electing members of the board of trustees under the provisions of subsection (3)"

5. Page 2, line 25.
Strike: "(3)"
Insert: "(d)"

6. Page 3, line 14.
Insert: "(3) (a) If more than half of the electors of the high school district reside outside the territory of the elementary school district in which the high school district buildings are located, at least 10% of the electors of the high school district who are qualified to vote under the provisions of 20-20-301 may petition the county superintendent, requesting an election to consider a proposition on the question of establishing the following alternative method of electing the members of the high

school district board of trustees:

(i) one trustee to be elected from each elementary school district with territory included in the high school district; and

(ii) two or three trustees to be elected at large in the high school district, whichever number results in an odd number of members on the board of trustees.

(b) (i) When the county superintendent receives a valid petition, the county superintendent shall order the trustees of the high school district to conduct an election on the next regular school election day on the proposition allowed under the provisions of subsection (3)(a).

(ii) If the electors of the district approve a proposition to establish the alternative method of electing the high school board of trustees, the county superintendent shall order that the members of the board of trustees be elected according to subsection (3)(a) at the next regular school election.

(c) Whenever the trustees are elected at one regular election under subsection (3)(b), the members who are elected shall draw by lot to determine their terms of office. The terms of office by trustee position must be divided as equally as practicable among 1-, 2-, and 3-year terms.

(d) A petition to call an election for the purposes of subsection (3) may not be submitted to the county superintendent more than one time in each 5-year period.

Section 2. Section 20-3-302, MCA, is amended to read:

"20-3-302. Legislative intent to elect less than majority of trustees. (1) It is the intention of the legislature that the terms of a majority of the trustee positions of any district with elected trustees ~~shall~~ may not regularly expire and be subject to election on the same regular school election day. Therefore, in elementary districts, there ~~shall~~ may not be more than three trustee positions in first-class districts, two trustee positions in second-class districts or third-class districts having five trustee positions, or one trustee position in third-class districts having three trustee positions regularly subject to election at the same time. In high school districts there ~~shall~~ may not be more than two additional trustee positions in first- or second-class districts or more than one in third-class districts regularly subject to election at the same time. In high school districts operating a county high school, there ~~shall~~ may not be more than two trustee positions to be filled by members residing in the elementary district where the county high school building is located or more than one trustee position to be filled by members residing outside of the elementary district where the county high school building is located subject to

election at the same time.

(2) While it is the intention of the legislature that the terms of a majority of trustees of any district ~~shall~~ may not regularly expire and be subject to election at the same time, it is recognized that the following circumstances, relating to the terms of trustees appointed to newly created positions or to positions vacated by death, resignation, or operation of law, may lead to a subsequent school election in which a majority of trustee positions are subject to election at the same time:

(a) the creation of a new elementary district under the provisions of 20-6-217;

(b) the consolidation of two or more elementary districts to form an elementary district under the provisions of 20-6-203;

(c) the establishment of additional trustee positions of a high school district under the provisions of 20-3-353 or 20-3-354 or new trustee positions under the provisions of 20-3-352(3);

(d) the change of a district's classification under the provisions of 20-6-201 and 20-6-301;

(e) the filling of a trustee position ~~which~~ that has become vacant under the provisions of 20-3-308 or any other provision of law;

(f) the establishment of additional elementary trustee positions under the provisions of 20-3-341(3); or

(g) any other circumstance arising under the law wherein a trustee position is filled by appointment subject to election at the next regular school election."

Section 3. Section 20-3-351, MCA, is amended to read:

"20-3-351. Number of trustee positions in high school districts. (1) ~~The~~ Except as provided in 20-3-352(3), the trustees of a high school district, except a high school district operating a county high school, ~~shall~~ must be composed of:

(a) the trustees of the elementary district ~~where~~ in which the high school building is located or, if there is more than one elementary district ~~where~~ in which high school buildings are located, the trustees of the elementary district designated by the high school boundary commission; and

(b) the additional trustee positions determined in accordance with 20-3-352(2).

(2) The trustees of a high school district operating a county high school ~~shall~~ must be composed of seven trustee positions."

EXHIBIT #1
DATE 2-13-91
HB 407

TO: Dorothy Bradley
FROM: Shelley Hopkins
RE: Written Testimony in Support of
House Bill 407
DATE: February 13, 1991

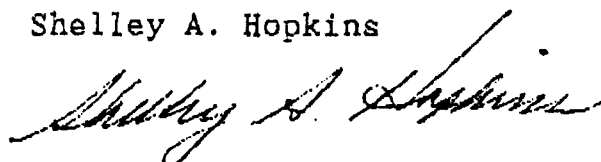
As you know, I was the student member of the Board of Regents during the time I attended law school in Missoula, 1979-1982. Based on my experience on this Board, it is my belief that it is important for different groups and constituencies to have representation on the Board that sets the policy for the entire university system. It seems clear to me that it would be advantageous to have an American Indian representative on this Board to provide representation for that constituency and to enhance the relationship between the university system and the Indian colleges.

It seems to me the only arguments one can make for not placing an additional member on this Board is either related to the expense of the additional member (which would be minimal) or that one cannot appoint a representative of each constituency group. That argument does not seem viable to me because there are very limited number of constituency groups that mandate representation on the Board: taxpayers, parents, citizens of Montana, students, and our sizable American Indian population.

Thank you for your consideration of this testimony.

Sincerely,

Shelley A. Hopkins



Mr. Chairman; Members of the Committee:

My name is Elsie Redlin and I am a former member of the Board of Regents and a resident of Lambert, Montana.

I regret being unable to appear in person to testify for House Bill 407. It is very difficult for us in Eastern Montana to participate directly and equally in the political processes of our state while living 500 miles away.

Of course, we are all familiar with and accept the circumstances: Montana is a very large state; the preponderance of its citizens do have access to the governmental process and the Legislature has demonstrated, on many occasions, awareness of the position in which we in Eastern Montana often find ourselves. However, while we appreciate this good will, we look forward to a statewide telecommunications system which will knit the state together in all ways. We are greatly encouraged and gratified by the support demonstrated by legislators from every part of the state who, while obviously recognizing the benefits to Eastern Montana, also recognize the far larger benefit to the state as a whole. This is enlightened self-interest as well as a matter of equity.

And so it is with HB 407. Native Americans are also a smaller population, generally isolated, and having no direct, equitable access to the governance of higher education in Montana. This bill is an effort to knit the Native Americans into the fabric of higher education, benefiting them certainly, but benefiting the state more as it makes education--the universal tool for progress--more familiar, more compatible and therefore more accessible.

While I think Native Americans are also grateful for efforts made on their behalf, I am sure they feel the same frustration that I do, having to let others speak for me because it is often impossible to participate in those activities which affect me directly.

There are many strengths in this bill.

- = It does not reduce present representation nor displace any future representation
- = It does not dilute the constitutional concept of citizen management and control of higher education, but instead enhances it
- = It brings yet another perspective to higher education governance, bringing that governance closer to the people it serves
- = It adds immeasurably to recent and ongoing cooperative efforts of all of education, and especially to the efforts of the Board of Regents to forge bonds with the Tribal Colleges and the Native American population

There are literally no weaknesses in this bill. There may be concern that conflict may be injected into the Board process.

EXHIBIT #2
DATE 2-13-91
HB 407

Page Two: Testimony on HB 407--Elsie Redlin

I am told that this was a real concern when a student was included as a member of the Board. This has not happened. Indeed, the presence of student perspective has, on occasion, made AVOIDANCE of conflict possible. It seems totally logical that, while increasing the numbers of Native American students (which is a goal for all of us), the presence of a Native American Regent would be an equally sound and pragmatic means to avoiding, rather than incurring misunderstanding or conflict.

May I repeat, this bill would constitute a clear commitment to the partnership necessary between Native Americans and other Montanans to develop an educational structure of value to and respected by all its citizens.

It is very hard for any American to argue against equity, and equity is the purpose and only goal of this bill. I urge its passage.

Dorothy: Please edit as needed to respect time/space limits and avoid needless duplication of points.

Thanks for the opportunity to contribute!

Elsie Redlin

#3
EXHIBIT

DATE 2-13-91

HB 407

HOUSE BILL 407

Testimony of Dennis E. Lind

For the record, my name is Dennis E. Lind.

As former member and chairman of the Montana Board of Regents, I encourage your support of House Bill 407 to submit to the Montana electorate an amendment to the Constitution to increase the membership on the Board of Regents to eight members and to require the appointment of one native American member.

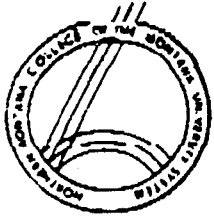
Presently, as a practical matter, the members of the Board are now generally selected on a geographical basis to provide assurance of individual unit representation. As you are aware, the higher education system is now comprised of the six university units, the vocational technical centers, the community colleges and affiliations with the tribal colleges. The tribal colleges are unique in their character and are spread throughout the State of Montana.

If Montana is to truly to have a system of higher education, it is appropriate and indeed necessary that our tribal colleges be represented on the Montana Board of Regents. Clearly, that representation should be provided through the appointment of a native American.

It is my belief that expanding the Board of Regents to include representation from our native American population will

better serve to unify the higher education community, improve native American relations and promote educational equality.

Certainly, it is my belief that the citizens of the State of Montana should have an opportunity to voice their expression to include a native American member on the Board of Regents. Thank you for your careful and thoughtful consideration of this request.



NORTHERN MONTANA COLLEGE
Montana University System
HAYRE, MT 59501
(408) 285-3700

EXHIBIT #4
DATE 2-13-91
HB 407

Date: February 12, 1991

To: Ellen Swaney
Director, American Indian/Minority Achievement

From: ^{Allan} Allan Culp, M.E.
Director, Native American Peer Counselors
Adviser, Sweetgrass Society

Re: House Bill no. 407

After conferring with the Native American Peer Counselors at Northern Montana College and the members of the Sweetgrass Society, the consensus is as written by the Sweetgrass Society vice president:

The Sweetgrass Society in conjunction with the Native American Peer Counseling Program, here at Northern Montana is in favor of supporting House Bill no. 407. We are in favor of increasing membership on the board of regents to eight members and requiring the appointment of one Native American member.

Increasing the membership on the Board of Regents to eight members would be instrumental in promoting better coordination between the tribal colleges and the University Systems. Some of the reasons the opening of an eight position would be advantageous not only to the Native American but also to the Non-Indian would be:

By having a Native American on the Board of Regents, the voice of the Native American would be heard, in each situation which came before the board.



NORTHERN MONTANA COLLEGE

Montana University System
HAVRE, MT 59501
(406) 244-1700

EXHIBIT #4
DATE 2-13-91
HB 407

The person holding this seat could also look into appointing a Native American Counselor at Northern Montana College, who would work in conjunction with the Native American Peer counseling Program, which is the only program of this type in the state.

The Native American Counselor then can work towards reinstatement of the Native American Studies Program at Northern Montana College. The Native American population at Northern Montana College comprises 12% of the whole student body. The Native American studies program would only enhance this percentile, being that Northern Montana College is relatively close to four major reservations.

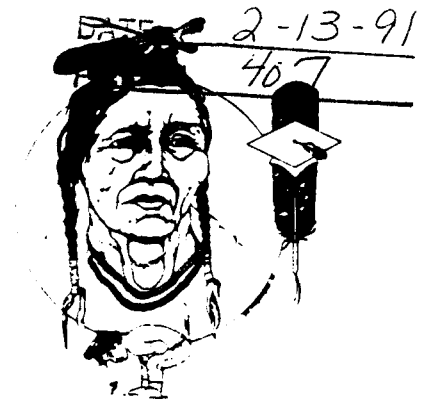
The Native American Studies Program not only benefits the Indian but also the non-Indian. Since many History majors take these classes in order to gain a better perspective into the Indian Culture.

Once again we are in favor of increasing the membership on the Board of Regents to eight members and appointing a Native American. Thank you.

Sincerely, *John Healy*
John Healy
Vice-President
Sweetgrass Society,
Peer Counselor

MONTANA INDIAN EDUCATION ASSOCIATION

BOX 848
HARLEM, MONTANA 59526



"The future of Indian people rests
with the education of their young."

TESTIMONY

TO THE

STATE OF MONTANA

HOUSE OF REPRESENTATIVES

COMMITTEE ON EDUCATION

February 13, 1991

by

LOREN 'BUM' STIFFARM, PRESIDENT
MONTANA INDIAN EDUCATION ASSOCIATION



EXHIBIT 5
DATE 2-13-91
HB 407

GOOD AFTERNOON MR. CHAIRMAN AND MEMBERS OF THIS DISTINGUISHED COMMITTEE. MY NAME IS EUM STIFFARM. I AM THE DIRECTOR OF TRIBAL EDUCATION PROGRAMS OF THE GROS VENTRE AND ASSINIBOINE TRIBES OF FORT BELKNAP AND CURRENTLY SERVE AS THE PRESIDENT OF THE MONTANA INDIAN EDUCATION ASSOCIATION AND 1ST VICE PRESIDENT OF THE NATIONAL INDIAN EDUCATION ASSOCIATION.

I AM BEFORE YOU TODAY TO SPEAK IN SUPPORT OF HOUSE BILL NO. 407. THE BILL TO SPONSOR LEGISLATION MAKING AN APPOINTMENT OF AN INDIAN PERSON TO THE BOARD OF REGENTS. AS YOU ALL KNOW THE BOARD OF REGENTS GOVERN THE UNIVERSITY SYSTEM HERE IN MONTANA.

YOU WILL HERE SOME EXCELLENT TESTIMONY HERE TODAY FOR REASONS WHY WE FEEL VERY STRONGLY THAT AN INDIAN PERSON BE APPOINTED TO THIS PRESTIGIOUS BOARD.

EACH OF THE SEVEN RESERVATIONS HERE IN MONTANA HAVE A TRIBALLY CONTROLLED COMMUNITY COLLEGE. MANY HAVE BEEN IN EXISTENCE FOR TEN YEARS OR LONGER. EACH COLLEGE IS GOVERNED BY A BOARD OF DIRECTORS OR COLLEGE BOARD THAT OVERSEES THE ADMINISTRATION AND DEVELOPMENT OF

EXHIBIT 5
DATE 2-13-91
HB 407

THESE RESPECTIVE COLLEGES. INDIAN PEOPLE THAT ARE SEATED ON THESE

BOARDS TAKE THESE POSITIONS VERY SERIOUSLY AND MANY INDIVIDUALS HAVE DEDICATED THEIR LIVES TO THE SUCCESS OF THEIR COLLEGES. FROM THAT WE HAVE GAINED THE EXPERTISE AND ABILITIES SO NECESSARY FOR THE SUCCESS OF THESE COLLEGES. OUR COLLEGES ARE GROWING AND DEVELOPED TO THE UTMOST IN FACILITIES AND CURRICULUM THAT WOULD SUPRISE MOST.

INDEED, SO TOO HAVE OUR PEOPLE. WE HAVE GAINED THE NECESSARY EXPERIENCE IN THE FIELD OF HIGHER EDUCATION THAT SHOULD ENABLE MANY OF US TO SERVE AS MEMBERS OF THE BOARD OR REGENTS.

TO THIS VERY DAY NOT ONE INDIAN PERSON HAS EVER SERVED ON THE BOARD OF REGENTS FOR THE STATE OF MONTANA. IT IS ALWAYS THE SAME ANSWER. YOUR APPLICANTS DID NOT MEET THE QUALIFICATIONS. NO ONE HAS EVER SHOWED ME THE PIECE OF PAPER DETAILING THE CRITERIA FOR THE BOARD. SHOW ME THE PAPER WITH THE CRITERIA AND I WILL GO AWAY.

MOST INDIAN TRIBES IN THE STATE NOW CONTRACT THE HIGHER EDUCATION PROGRAMS FROM THE BUREAU OF INDIAN AFFIARS UNDER P.L. 93-638 THAT

PROVIDES SCHOLARSHIP FUNDS FOR SOME INDIAN STUDENTS TO ATTEND SCHOOLS
IN THE UNIVERSITY SYSTEM.

WITHIN THE STATE OF MONTANA, OF ALL INCOMING FRESHMAN THAT ARE INDIANS
MAKE UP 16% OF THE STUDENT POPULATION. WE AS INDIAN PEOPLE WHO LIVE
ON THE RESERVATIONS ARE ALWAYS TELLING OUR YOUNG STUDENTS TO GO ON TO
COLLEGE AND GET AN EDUCATION. COME BACK HOME AND TEACH YOUR YOUNGER
BROTHERS AND SISTERS. BE A ROLE MODEL AND SHOW THEM THE WAY.

EXCELLENT ROLE MODELS AND PROFESSIONAL EDUCATORS ARE ON A RISE HERE IN
MONTANA. THERE ARE MANY, MANY EXCELLENT PEOPLE WHO WOULD MAKE
EXCEPTIONAL MEMBERS OF THE BOARD OF REGENTS.

JUST SINCE 1978 THERE HAVE BEEN SIX (6) INDIVIDUALS SELECTED AS
'NATIONAL INDIAN EDUCATORS OF THE YEAR'. LET ME PROVIDE YOU WITH
THEIR NAMES.

1. DR. ROBERT J. SWAN, ASST. SUPT. AT ROCKY BOY

FORMER NATIONAL INDIAN EDUCATION ASSN. PRESIDENT

2. DR. MURTON, MC CLUSKEY, FORMER TITLE V DIRECTOR

GT FALLS PUBLIC SCHOOLS

EXHIBIT 5

DATE 2-13-91

HB 407

3. DR. MIKE DOSS, FORMER DIRECTOR OF THE NATIONAL ADVISORY

COUNCIL ON INDIAN EDUCATION, WASHINGTON, DC

4. TOM THOMPSON, FORMER SUPT. OF BROWNING PUBLIC SCHOOLS

MEMBER OF BOARD OF PUBLIC EDUCATION

5. LARRY LA COUNTE, SUPT. OF SCHOOLS IN HAYS LODGE POLE,

LODGE GRASS, ARLEE AND FORMER PRES. OF MONTANA IMPACT AID ASSN

6. DR. JOE MC DONALD, FORMER COLLEGES INSTRUCTOR AT N M C, AND

CURRENT PRESIDENT OF SALISH-KOOTENAI COMMUNITY COLLEGE

7. DR. JANINE PEASE WINDY BOY, PRESIDENT OF LITTLE BIG HORN

COLLEGE, MEMBER OF INDIAN NATIONS AT RISK TASK FORCE, US DEPT

OF EDUCATION, WASHINGTON, DC

ALL OF THESE INDIVIDUALS WOULD MAKE EXCELLENT MEMBERS OF THIS BOARD.

HOWEVER, I MUST PROVIDE WITH YOU NO FINER OF AN EXAMPLE OF OUR
APPLICANT OF TWO YEARS AGO.

TWO YEARS AGO WE SUBMITTED A NAME OF AN INDIVIDUAL THAT WE THOUGHT
WOULD MEET THE 'UNWRITTEN' CRITERIA FOR THE BOARD. WE SUBMITTED MR.

EXHIBIT 5
DATE 2-13-91
HB 407

ED PARISIAN'S NAME FOR CONSIDERATION. AFTERALL, ED WAS THEN THE
SUPERINTENDENT OF SCHOOLS AT ROCKY BOY. HE ALSO ADMINISTERED THE
HIGHTER EDUCATION PROGRAM WHILE SERVING AS TRIBAL EDUCATION DIRECTOR
AT ROCKY BOY. HE WAS JUST FINISHING UP HIS SECOND TERM AS THE
PRESIDENT OF THE NATIONAL INDIAN EDUCATION ASSOCIATION. THE LARGEST
INDIAN ORGANIZATION IN THE UNITED STATES.

UNFORTUNATELY, AND FOR REASONS STILL NOT EXPLAINED TO US, ED WAS NOT
SELECTED. A FEW MONTHS LATER, THE HONORABLE UNITED STATES SECRETARY
OF INTERIOR, MANUAL LUJAN ASKED ED TO LEAD THE DEPARTMENT OF EDUCATION
PROGRAMS WITHIN THE BUREAU OF INDIAN AFFAIRS FOR THE 'ENTIRE UNITED
STATES'.

SOMETHING IS WRONG HERE. SOMETHING IS WRONG HERE.

ED WAS NOT QUALIFIED ENOUGH TO BE SEATED ON THE BOARD OF REGENTS BUT
YET HAD THE NECESSARY QUALIFICATIONS FOR SUCH A PRESTIGIOUS SEAT
WITHIN THE DEPARTMENT OF INTERIOR IN WASHINGTON, D.C.

OUR EXAMPLES CAN GO ON AN ON. JUST THIS YEAR WE SUBMITTED A LIST OF
INDIVIDUALS THAT WE FELT WOULD BE QUALIFIED FOR THIS BOARD. DR.

EXHIBIT 5
DATE 2-13-91
HB. 407

JANINE PEASE WINDY BOY, MS. DONNA BUCKLES OF FORT PECK AND DON WETZEL

OF HARLEM, FORMER STATE COORDINATOR OF INDIAN AFFAIRS.

TIMES MUST CHANGE. WE HAVE THE INDIVIDUALS AND THESE INDIVIDUALS HAVE
THE EXPERTISE NECESSARY TO MAKE THE PERFECT FOR THE BOARD. NOT ONLY
WOULD THEY SERVE INDIAN PEOPLE BUT THEY WOULD BE A POSITIVE VOICE FOR
THE FIELD OF HIGHER EDUCATION.

THANK YOU AND WE APPRECIATE YOUR SUPPORT FOR HOUSE BILL NO. 407.

TESTIMONY BEFORE THE HOUSE EDUCATION COMMITTEE
IN SUPPORT OF HB # 407

February 13, 1991

My name is Walter C. Fleming and I am an adjunct Assistant Professor with the Center for Native American Studies at Montana State University, Bozeman, Montana. It is my pleasure to appear before you in support of House Bill No. 407, " A Bill for an Act entitled: An Act to submit to the qualified electorate of Montana an amendment to Article X, Section 9, of the Montana Constitution to increase the membership on the Board of Regents to eight members and to require the appointment of one Native American member."

Introduction

In 1970, Montana's Constitution was amended to include a provision in recognition of its American Indian citizens:

The state recognizes the distinct and unique cultural heritage of the American Indians and is committed in its educational goals to the preservation of their cultural integrity (Article X, Section 1(2)).

Pursuant to meeting that high ideal, on September 13, 1990, the Montana Board of Regents of Higher Education approved a Board Policy for inclusion into the Policy and Procedure Manual the following policy:

The Board of Regents recognizes the desirability for campus environments to promote multicultural diversity and for the participation and achievement of American Indian and other minority students to be, at a minimum, equal to their representation in the state's population. To that end, the Board pledges its cooperation with the Board of Public Education, and Office of Public Instruction, American Indian tribal colleges, and other American Indian and minority entities within the State and adopts the following goals for higher education in Montana:

1. To enroll and graduate American Indians and other minorities in proportion to their representation in the state's population. ...

Testimony - HB No. 407
Walter C. Fleming
page two

2. To increase the employment of American Indians and other underrepresented minorities in administrative, faculty and staff positions to achieve representation equal to that of the relevant labor force.
3. To enhance the overall curriculum by infusion of content which enhances multicultural awareness and understanding.¹

The Board adopted ten guidelines based upon recommendations from the National Center for Postsecondary Governance and Finance as its guiding philosophy for achieving the commendable (and very attainable) goals it adopted. Among the ten is the pledge to "[e]mploy American Indian and other Minority Leaders."

Employing American Indian and other minorities in positions of senior leadership sends a clear message about the importance and value of cultural diversity among professional institutional staff.²

In Montana, there is no more senior leadership position within higher education than service on the Board of Regents of Higher Education. The Commission on Minority Participation in Education and American Life observed that "the higher education community historically has acted as an important goad to the nation's conscience, calling the citizenry to higher standards of intellectual achievement and social justice."³ With the passage of House Bill No. 407, we can take one more step to improving American Indian higher education into the next century.

¹ Montana Board of Regents of Higher Education, Policy and Procedures Manual, Section: 1902, "Minority Achievement; Montana University System," (Effective September 13, 1990 and Issued December 26, 1990), p. 1902 (1 of 4).

² Montana Board of Regents of Higher Education, Policy and Procedures Manual, op cit., p. 1902 (2 of 4).

³ One-Third of a Nation, A Report of the Commission on Minority Participation in Education and American Life, American Council on Education and the Education Commission of the States, May 1988, p. 22.

Testimony - HB No. 407
Walter C. Fleming
page three

Statistical Profile:

It may be helpful to keep in mind the following observations:

- * According to the preliminary 1990 Census data, the American Indian population of the state of Montana is approximately 50,000 or 6 % of the total Montana population.
- * There has been a 27 % increase in the state's Indian population since 1980.
- * The medium age of Montana American Indians is 19 years. The medium age for non-Indians is 29 years.
- * American Indians comprise 9.2 % of all Montana students from Kindergarten through high school.⁴

This data suggests that there is the potential for a significant increase in the postsecondary enrollment of American Indians for the next twelve years (the Montana high school graduating class for the year 2004 should comprise 10.8 % American Indians).

However, American Indians are not yet represented in higher education in proportion to their population. Consider:

- * For AY 1986-87, American Indian enrollment was only 2.5 % (or 768 students) of total enrollment at baccalaureate-granting units of the Montana University System.⁵
- * To achieve a minimum parity of 6 % enrollment, American Indian registration into System 4-year units would have to rise from 768 students to 1,840 students.

⁴ Office of Public Instruction, "Racial/Ethnic Origin Totals by Grade - January 1990," August 3, 1990.

⁵ This data and that which immediately follows is from IPED's "Fall 1990 Enrollment Summary by Racial/Ethnic Status."

Testimony - HB No. 407
Walter C. Fleming
page four

- * American Indian enrollment for the three community colleges in the System was only 3.8 % (or 45 students) of the total enrollment for 1987-88.
- * To achieve a minimum parity of 6 % enrollment, American Indian registration into the three community colleges in the System would have to increase from 45 students to 72 students.

We should not ignore nor underestimate the impact that the emergence of the tribally controlled community college movement will have on American Indian postsecondary enrollment in the future. Contemplate this factor:

- * American Indian enrollment at the seven tribal colleges in Montana is 1,689 or 62 % of the total postsecondary Indian enrollment.⁶

It is difficult, at best, to determine what increase in enrollment at the four-year System units can or will be attributable to the development of the tribal college movement. Anecdotal data suggests that approximately half of the tribal college graduates will transfer to four-year institutions. Thus, in Montana, the tribal colleges may conservatively contribute 50 students per year into the System institutions.

Conclusions

The profile presented herein speak of great potential. It is our hope that by the year 2000 the American Indian postsecondary enrollment will, at the least, double. This is possible.

We must, however, be prepared for this eventuality. The State's leaders of higher education, the Board of Regents, must be guided in its efforts to insure that its goals are achieved. Only through the inclusion of a Native American on the Board of Regents, can Montana fulfill its promise to uphold the integrity of our indigenous population. It is time to be proactive rather than reactive.

⁶ IPED's "Fall 1990 Enrollment Summary by Racial/Ethnic Status."

EXHIBIT 6
DATE 2-13-91
HB 407

Testimony - HB No. 407
Walter C. Fleming
page five

The American Council on Education, in its report, One-Third of a Nation, accepts no less of a challenge than the elimination of "the gaps that mark our racial and ethnic minority population as disadvantaged."

The goal we suggest is simple but essential: That in 20 years, a similar examination [of the status of minority higher education achievement] will reveal that America's minority population has attained a quality of life as high as that of the white majority. No less a goal is acceptable. For if we fail, all American - not just minorities - will be the victims. But if we succeed, all Americans will reap the benefits.⁷

Montana cannot afford a lesser goal. I urge the Committee to report House Bill 407 out of committee with a "do pass" recommendation.

Thank you.

⁷ One-Third of a Nation, A Report of the Commission on Minority Participation in Education and American Life, American Council on Education and the Education Commission of the States, May 1988, p. 1.

EXHIBIT 7
DATE 2-13-91
HB 407

TESTIMONY IN SUPPORT OF HOUSE BILL 407 BY

JOE MCDONALD, PRESIDENT OF SALISH AND

KOOTENAI COLLEGE

FEBRUARY 13, 1991

DEAR CHAIRMAN SCHYE AND COMMITTEE MEMBERS,

THANK YOU FOR PROVIDING ME THE OPPORTUNITY TO TESTIFY IN FAVOR OF THIS BILL. I WOULD ALSO LIKE TO THANK REPRESENTATIVE BRADLEY FOR TAKING THE INITIATIVE TO DEVELOP AND INTRODUCE THIS LEGISLATION. HAVING AN INDIAN PERSON ON THE BOARD OF REGENTS HAS BEEN A DREAM OF INDIAN PEOPLE FOR MANY YEARS.

WE URGED GOVERNOR JUDGE TO APPOINT AN INDIAN PERSON TO THIS IMPORTANT BOARD BACK IN THE 70'S AND HE DIDN'T DO IT. WE WERE ALSO UNSUCCESSFUL WITH GOVERNOR TED SCHWINDEN IN THE 80'S. WE THOUGHT FOR SURE THAT GOVERNOR STEPHENS WOULD APPOINT AN INDIAN PERSON AT THE START OF THE 90'S, BUT HE DIDN'T INDIAN PEOPLE HAVE NOT BEEN PROMINENT IN SUPPORTING GUBERNATORIAL CANDIDATES AND THUS HAVE NOT BEEN CONSIDERED VERY SERIOUSLY WHEN APPOINTMENTS ARE BEING MADE.

I THINK THAT THE BOARD OF REGENTS WAS STRENGTHENED CONSIDERABLY WHEN THE STATUTE WAS PASSED THAT MANDATED A STUDENT ON THE BOARD. IT MADE THE STUDENTS OF THE UNIVERSITY SYSTEM FEEL LIKE THEY HAD A SAY IN THE POLICY DEVELOPMENT OF THE TOTAL UNIVERSITY SYSTEM. I FEEL THAT IT WILL BE THE SAME WITH THE INDIAN PEOPLE IF THEY WERE REPRESENTED ON THE BOARD. THE INDIAN PEOPLE OF MONTANA WILL

EXHIBIT 7
DATE 2-13-91
HB 407

FEEL THAT THEY HAVE A SAY IN THE DEVELOPMENT OF MONTANA'S HIGHER EDUCATION POLICY. THIS IS EXTREMELY IMPORTANT NOW THAT EACH OF MONTANA'S RESERVATIONS HAVE A TRIBAL COLLEGE. BOARD MEMBERS, ADMINISTRATORS, FACULTY AND STUDENTS HAVE BECOME VERY INTERESTED IN THE TOTAL HIGHER EDUCATION PROGRAM IN MONTANA. MANY STUDENTS FROM THE TRIBAL COLLEGES TRANSFER TO A UNIT OF THE UNIVERSITY SYSTEM. AT SALISH KOOTENAI COLLEGE, 34% OF THE GRADUATES TRANSFER ON.

AN INDIAN PERSON SITTING ON THE BOARD OF REGENTS WOULD BE ABLE TO PROVIDE VALUABLE INFORMATION TO THE OTHER REGENTS. INFORMATION THAT WOULD PROVIDE FOR GOOD DECISION MAKING RELATING TO INDIAN PEOPLE.

IF TWO HEADS ARE BETTER THAN ONE, THAN SURELY EIGHT HEADS ARE BETTER THAN SEVEN. I'M POSITIVE THAT THE GOVERNOR CAN FIND SOME OUTSTANDING INDIAN HIGHER EDUCATION BOARD MEMBERS. PEOPLE THAT WILL NOT ONLY REPRESENT INDIAN PEOPLE, BUT WILL MAKE DECISIONS FOR THE BETTERMENT OF ALL OF MONTANA'S HIGHER EDUCATION.

I URGE YOU AS A COMMITTEE AND THE LEGISLATURE AS A WHOLE TO PASS THIS LEGISLATION. LET THE VOTERS OF THE STATE DECIDE WHETHER OR NOT TO INCREASE THE BOARD TO EIGHT MEMBERS AND REQUIRE THE APPOINTMENT OF ONE NATIVE AMERICAN MEMBER.

Not a document of the committee

Good afternoon - my name is Marj Clark and I am here representing the Affirmative Action Advisory Board at Montana State University. This Board consists of 14 people and includes faculty, staff and students.

Two members of the Board who were unable to attend today due to teaching schedules have sent statements for the record.

1. Dr. Ken Bruwelheide, Associate Professor of Agriculture and Technology Education sends this message: (Attachment 1)
2. And from Dr. Maurice Burke, Assistant Professor of Mathematics: (Attachment 2)

I would like to add to the shared sentiments of the Board with my personal statement. A Native American serving on the Board of Regents is not only imperative from the standpoint of Native Americans being represented or having a liaison from the Native American community. It is equally important to Montanans of European American descent.

It will increase our sensitivity and awareness of our state's native population;

It will increase diversity on our campuses and provide coordination with Tribal Colleges who are serving both Native and non-native students;

It will enrich our sense of ourselves as Montanans caring about quality education for everyone.

EXHIBIT 9
DATE 2-13-91
HB 407

Education and Cultural Resources Committee
House Of Representatives
State Capitol
Helena, Montana

Dear Representatives:

Please accept this letter of support for the establishment of a voting members seat on the Board of Regents of the Montana University System specifically designated to be filled by a Native American individual representing the tribal groups of Montana. Such an appointment is necessary and I feel manditory for the tribal education and cultural entities to be represented in Montana higher education.

With approximately 13% of Montana's school age population of Native American heritage it is necessary to have Native American representation on the Board of Regents to provide insights into those cultural groups. The future of higher education in Montana will be challenged greatly to provide quality programs in what promises to be a constantly changing environment. In order to develop the best communication links between the the system and all members of the education consumer audiance all segments of the population must be represented. Native American representation on the Board of Regents is essential to this future.

Sincerely:


 2/13/91
Ken L. Bruwelheide
1202 Holly Drive
Bozeman, Montana 59715

EXHIBIT 8
DATE 2-13-91
HB 407

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Sincerely:

 2/13/91

Ken L. Bruwelheide
1202 Holly Drive
Bozeman, Montana 59715

EXHIBIT 8
DATE 2-13-91
HB 407

In three years at Montana State University I have worked with over 75 seniors, majoring or minoring in mathematics, intending to become high school teachers. Only one of those aspiring teachers was Native American. Her name is Trivian. Her example is the pattern in Montana's mathematics and science educational system. According to the Office of Public Instruction, of the 534 secondary level mathematics teachers in Montana, only 4 (less than one percent) are non-white.

I will never forget when Trivian came into my office last April as her graduation approached. She was genuinely dismayed at the reception given to her applications for teaching positions. Within a few weeks of submitting her credentials, she had received six job offers. Trivian had never dreamt that she would be in such demand and she wanted to discuss the choice she had to make. Two of the six job offers were from reservation schools. After much discussion it was very clear that Trivian's heart was with the St. Lebre Mission school on the Northern Cheyenne Reservation. She had grown up on a reservation, she valued her cultural heritage and wanted to raise her children to be proud of their heritage.

Three things are important to consider from Trivian's example. First, more than ever before, higher education holds the key to future opportunity for the Native American peoples of Montana. Indeed, it is the key to our joint futures as people of Montana living in a global society. Secondly, the scarcity of Native American teachers in secondary mathematics and science education is not due to hiring practices of school districts; it is a more fundamental problem. It is a problem of recruiting and retaining Native Americans in the pipeline which includes higher education. Third, the reality that there was a place for her in the community of educators outside of the reservation had immense significance for Trivian. She was deeply touched by the feeling of being wanted by Montana's system of education. She did not expect that. It helped her realize that her decision to return to the reservation was not based on any sense that there was no other place for her to go. She had a choice and she knew she was choosing St. Lebre out of pride and the desire to contribute to her people.

There are many efforts being made in Montana to develop the infrastructure of the tribal college system, to strengthen its ties with Montana's system of higher education, and to recruit and retain Native American students, teachers, and staff. Designating a seat on the Board of Regents for Native Americans will substantially impact these efforts and improve their chances for success.

From my point of view, however, the following must be stressed. The efforts of bringing Native Americans into the stream of higher education is being led and inspired by Native Americans. The bill under consideration is a recognition of a people whose time has come. This legislation is not an issue of proportionate representation of minorities on state committees. It is the fundamental issue of "dependent sovereignty". The status of the Native Americans in Montana education is not simply that of another minority. The problems and difficulties encountered in the pipeline to higher education are rooted in the unique tradition of dependent sovereignty. As dependent sovereigns, (and this

EXHIBIT 8
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HB 407

designation is no oxymoron) the Native Americans have a need for and the right to a voice in the single most important enterprise for the future of their culture and their people. Native American education must evolve from its unique 20th century tradition of Federal boarding schools and mission schools to a more inclusive system appropriate for the 21st century. Native Americans around Montana are ready to take responsibility for that evolution. Just as Montana created the "student regent" position on its Board of Regents, so too should Montana create a position for Native Americans on the Board as a bold vote of confidence in their leadership and sense of responsibility.

Trivian has carried back to Native Americans on the Northern Cheyenne Reservation a message that we in Montana can be proud of. It is the message that there is a place for them in Montana's colleges, universities and broader educational community. I can think of no stronger reinforcement of this message than the endorsement of the bill before you today. Its ramifications are substantial and positive. From testimony you have already heard it should be clear that Montana higher education is emerging as a national leader in Native American education. This bill has the potential of making Montana the national leader and of placing Montana's six units of higher education in the very center of national efforts to improve Native American education.

Maurice Buntz

Chairperson
Deborah Wetsit LaCounte

Vice-Chair
Margaret "Marj" Perez

Secretary/Treasurer
Patrick Weasel Head

Membership
Montana Tribal College
Presidents
Native American Studies
Program
Tribal Education Directors
Representatives of:
MIEA
MACIE
Montana Indian Students
Trio Programs
Office of the
Commissioner of
Higher Education
BIA Education Specialist

Montana Committee for AMERICAN INDIAN HIGHER EDUCATION

February 12, 1991

EXHIBIT 9
DATE 2-13-91
HB 407

Honorable Ted Schye, Chairman
Education & Cultural Resources Committee
Montana State Legislature
State Capitol Building
Helena, MT 59620

Dear Chairman and Members of the Committee:

I wish to express the strong support of the Montana Committee for American Indian Higher Education for House Bill 407 which mandates the appointment of a Native American to the Board of Regents.

State demographics reveal that Native Americans in Montana comprise approximately 50,000 or 6% of our population. This group of people is very young with a median age of less than 20 years -- half of the population is of preschool, elementary school, secondary school and college age! This is a rapidly growing segment of the state's population.

Our public school data indicate that two-thirds of all Montana schools have Native American children enrolled. Ten percent of the elementary school students are Native American and seven percent of the high school enrollment is Native American, yet, only 3.1 percent of the Montana University System's enrollment is comprised of Native American students. With such significant numbers of Native American students reflected in the K-12 student body, it stands to reason that the post secondary enrollment would also approximate the same percentage as that found in the state's population. This discrepancy is a major issue that must be addressed.

Many of the decisions made by the Board of Regents do not take into consideration the impact on Montana's largest minority group--the Native Americans. We have no voice in the decisions that have had and will continue to have a major impact on the post secondary opportunities available to Native Americans.

EXHIBIT 9
DATE 2-13-91
HB 407

A "State Plan for Indian Education" was prepared by the Montana Committee for American Indian Higher Education, Montana Advisory Council for Indian Education and the Montana Indian Education Association and submitted to the state. This plan contains a number of recommendations drawn from a state-wide public forum, the "Opening the Montana Pipeline Conference", and a planning retreat. One of the recommendations to the Governor was to appoint a Native American to the Board of Regents. Given the make-up of the current Board of Regents, which does not reflect the state's ethnic nor gender composition, it is exceedingly apparent that very specific legislation is needed to address the recommendation of the "State Plan for Indian Education." Never, in the history of the state, has a Native American been appointed to the Board of Regents. It is time for our voice to be heard.

Your vote for House Bill 407 is strongly urged.

Sincerely,

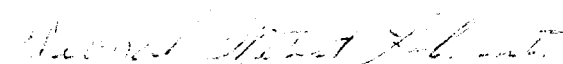

Deborah Wetsit LaCounte
Chairperson

EXHIBIT 10
DATE 2-13-91
HB 407

Testimony in Support of House Bill 407
American Indian appointment to
the Board of Regents

By Joyce A. Silverthorne, February 13, 1991

Thank you for this opportunity, I am Joyce Silverthorne, a Tribal Education Committee member, Montana "Tracks" representative, and Title III Director for Salish Kootenai College on the Flathead Indian Reservation. 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 that exist on each reservation. Montana is the only state in the union that is endeavoring to monitor the progress of its minority population from Kindergarten through higher education through the Montana "Tracks" program. For the State of Montana, the largest minority group is its Native Americans. 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 K-12 public schools in this state work with Native American students, and all of the post-secondary schools in the state are affected. The tribal colleges in Montana work with the majority of the Native Americans who are enrolled in higher education. If these students are to take their place in the workforce of this state, educational achievement must be improved. Communication is the key.

The Board of Regents in its historic September meeting at Salish Kootenai College adopted Board Policy concerning minority achievement for the Montana University System. This step recognizes the importance of addressing the communication and educational issues regarding equality of access to higher education. Ideally, House Bill 407 should not be needed. We have just had a recent appointment to the Board of Regents. I do not dispute the new member's credentials, only the resulting board makeup. There is public awareness, Board policy recognizing the need for improved educational delivery for Native Americans and other minorities in Montana, and still there is an all male, non-minority Board of Regents. In light of this, mandating through legislation is the viable alternative. Thank you to Dorothy Bradley for sponsoring this legislation.

School District No. 30, Lake County

MIDDLE SCHOOL PRINCIPAL

P.O. Drawer R

Ronan, Montana 59864

EXHIBIT 11

DATE 2-13-91

HB 407

February 13, 1991

Chairman Ted Schye
Helena, MT.

Dear Mr. Chairman,

I, Tracie Buckless, have been a teacher in the state of Montana for the past eight years, with three previous years in Wyoming. I am currently employed for School District #30 as a Middle School Counselor. I feel House Bill 407 is very important and strongly support it.

I have taught on three reservations: the Wind River, Blackfeet, and Flat-head, and worked with numerous Indian students with many unique and different cultural backgrounds. Although many Tribal beliefs are similiar, there are still many differences and special educational needs that are unique to each Indian group. Having a NativeAmerican on the Board of Regents would allow the members to have great insight into each reservation, the Native American Students, and the community college that is located there. Policy, then affecting those within the educational community would be more relevant for potential Indian students.

Based on the 1990 Census, all reservation areas in Montana are showing growth and expansion. There are more Indian children being born each year, tribal enrollment is increasing on each reservation, public schools are expanding. community colleges are growiing, high school drop-out rates for Indian students are decreasing with a very keen interest increasing for higher education, vo-tech education, and any form of education past the secondary level. Because of this growth, it is imperative that there be Native American representation on the Board of Regents to field interests and concerns when setting policy.

The Elders of each Tribe have many hopes, concerns and dreams for their youth, Much of it centers around the need for children to get an educaaiion, go on to higher education, get a degree or specialized training, then return back to their native people. With their knowledge, they would then make the quality of life better on the reservation, be positive role models, and be successful. A representative on the board would help support this and put it into action.

It has been proven through many studies, that Indian students achieve a higher rate of success in school, if they have positive Indian instructors to influence and teach them within their school. Due to the increased enrollment of Indian students across the state of Montana in all public schools, there is more and more need each year for more Indian instructors and school personnel.

EXHIBIT 11
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HB 407

This is not only true for public schools, but also community colleges, vo-tech centers, four year institutions, and universities. The Board of Regents could help with this problem greatly by encouraging Indian students to go into the field of Education and complete degrees. Someone on the board that recognizes unique cultural specialities and differences with Indian Students will make a great difference.

Education is and always has been important to Native American people. Representation is indicative of importance and concern. If the Board of Regents also really feels that education is important for Native American people, then Native American people need to be represented.

Sincerely,

Tracie Buckless

Tracie Buckless
Middle School Counselor
Ronan

Elementary and Secondary Education

EXHIBIT 12
DATE 2-13-91
HB 582

Custer County District High School

ROBERT RICHARDS
SUPERINTENDENT

Miles City School District No. 1

1604 Main Street
MILES CITY, MONTANA 59301

DATE: February 13, 1991

TO: House Education Committee

FROM: Robert Richards, Superintendent

RE: HB 582

For the record I am Robert Richards, Superintendent of the Miles City Unified School District.

Chairman Schye, members of the House Education Committee, thank you for this opportunity to present testimony in favor of HB 582 which was introduced by Representative Jessica Stickney of Miles City.

I have been involved in education in Montana for the past 25 years. The last 15 years I have been Superintendent of Schools in three different districts. During that time I have visited or worked in many many school buildings in every area of this state. It always amazed me how many of the buildings have problems with a leaking roof. It's not hard to discover roof problems. All you have to do is look at the ceiling and/or walls for water stains or notice the pails in the rooms or listen to the superintendent bemoan the loss of money to the district for the proposed roof replacements to know that district has roof problems.

HB 582 is a simple bill. Section 1 paragraph (3) contains the key element -- "(3) The plans and specifications for construction or remodeling of a school building may not be approved if the proposed slope of the roof is less than three-fourths of an inch per foot. One of the construction classes at Custer County District High School prepared a model to illustrate what the slope of a roof actually means. The red strip displays a slope of .25 or a rise of 1/4" per 12" run. The white strip has a rise of 3/4" per 12" run and finally the black board shows a rise of 3" per 12" run.

A slope of 3" is commonly used for homes which have an asphalt roof. Most school buildings use one of two materials for roofs-- (1) a built up roof consisting of asphalt materials or (2) a single ply membrane consisting of a synthetic material somewhat like a tire inner tube. The single ply membrane has been in use for the last 10-15 years and has proven to be much more durable than the asphalt material. It is also more expensive.

Page 2
HB 582 - Robert Richards

Two methods are commonly used to secure the membrane to the roof. (1) Ballast - Smooth round pebbles are laid on top of the membrane to prevent it from lifting or (2) Some type of mechanical fasteners are applied. People opposing this bill will tell you that a properly designed roof using this system will not leak even if the roof is virtually flat. They may even be right. The chance for error is greatly increased by reducing the slope. Principles of physics indicates the characteristics of water flow. Doubling the slope quadruples the rate of flow of water. Thus increasing the slope from .25" to .50" quadruples the opportunity for water to flow from the peak to the edge.

Since I am not a building contractor I cannot give you an estimate of increased costs for requiring a greater slope on roofs. A typical school gymnasium would have a roof 110' x 120'. A roof with a peak at the center and a slope of .5" would rise 55" or 4'7". Even if an additional construction cost were incurred I believe the investment to the district would be returned many times over in reduced maintenance costs by increasing the rate of slope.

EXHIBIT 12
Elementary and Secondary Education DATE 2-13-91

Custer County District High School

ROBERT RICHARDS
SUPERINTENDENT

HB 582
Miles City School District No. 1

1604 Main Street
MILES CITY, MONTANA 59301

DATE: February 13, 1991

TO: House Education Committee

FROM: Robert Richards, Superintendent

RE: Sample School Data - Roof Construction

BAINVILLE

Construction: New - 1985

Type of Roof: Single ply membrane

Slope: Minimum

Problems: Roof leaks - cause unknown - presently district is considering litigation to correct problems

BAKER

Construction: New - 1983

Type of Roof: Single ply membrane

Slope: Minimum

Problems: None

Construction: Old

Type of Roof: Replaced with Single ply membrane

Slope: Greater than 1/2"

Problems: None

BOZEMAN

Construction: New and replacement

Type of Roof: Single ply membrane

Slope: Various

Problems: None

CULBERTSON

Construction: New - 1983

Type of Roof: Single ply membrane

Slope: Flat

Problems: None

GLENDIVE

Construction: Old - Repair

Type of Roof: Built up - lots of problems

Slope: Flat Roof - Problems

Arched Roof - No Problem

Replacing with single ply membrane - Using insulation to achieve greater slope

Page 2
Roof Construction
School Data

EXHIBIT 12
DATE 2-13-91
HB 582

HAVRE

Construction: New
Type of Roof: Single ply membrane
Slope: Minimum
Problems: None

HARLEM

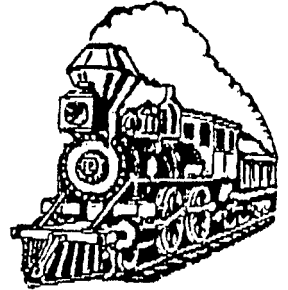
Construction: New - 1988
Type of Roof: Single ply membrane
Slope: Minimum
Problems: Many problems in every area of the building

MILES CITY

Construction: Old
Type of Roof: Built up roofing
Slope: Minimum
Problems: Numerous - attempted repair is piecemeal due to funding

EXHIBIT 13
DATE 2-13-91
HB 4

P.2/2



LAUREL PUBLIC SCHOOLS

SCHOOL DISTRICT No. 7 and 7-70

100 Colorado Avenue
Laurel, Montana 59044
406-628-6319 - 628-6921

Wayne Severtson
Superintendent

February 12, 1991

Education & Cultural Resource Committee
Capitol Building
Helena, MT 59620

Dear Mr. Schye:

I understand that your committee is reviewing the possibility of adding two FTE's to OPI for the purpose of writing an accounting package that could be used statewide (HB 468). I would like to recommend to the committee that HB 468 be approved.

Currently at Laurel Schools we are paying \$5,000 a year in maintenance agreements for our computer software package. On top of this we usually pay for updates that amount to about another \$5,000 per year. Thus, our annual cost for software support is close to \$10,000 per year. If this cost could be reduced by having a statewide software package through OPI it would help many schools reduce their costs of operation.

I have been looking at new computer packages that are available throughout the state for a larger school district and the costs range from \$14,000 to \$30,000. I'm not sure what the state would sell their accounting package for when it is developed but it seems that the package could pay for the additional FTE after the system is developed. I hope the purpose of the software package would be to minimize the initial purchase cost and annual maintenance costs to the various size school districts. If this was the purpose then many school districts would be interested in being part of this program. If this annual cost could drastically be reduced then that money could be saved or used for better educational purposes.

Again, I would like to recommend that your committee support House Bill 468. Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Roger Heimbigner".

Roger Heimbigner
Business Manager

OFFICE OF PUBLIC INSTRUCTION

ELEMENTARY AND HIGH SCHOOL DISTRICTS
INTERESTED IN ACCOUNTING SOFTWARE

COUNTY NAME	DISTRICT NAME	ENROLLMENT	GENERAL FUND BUDGET
BEAVERHEAD	BEAVERHEAD CO HS	411	\$1,714,000
BEAVERHEAD	POLARIS ELEM	10	\$33,256
BEAVERHEAD	WISDOM ELEM	47	\$110,536
BIG HORN	BIG BEND ELEM	4	\$31,922
BLAINE	BEAR PAW ELEM	15	\$51,087
BLAINE	N HARLEM COLONY ELEM	9	\$34,828
BROADWATER	BROADWATER CO HS	185	\$896,939
BROADWATER	TOWNSEND ELEM	520	\$1,274,891
CARBON	BELFRY ELEM	140	\$793,000
CARBON	CO SUPT--CARBON	1670	\$0
CARBON	EDGAR ELEM	20	\$103,500
CARBON	JOLIET ELEM	310	\$1,202,189
CARTER	ALZADA ELEM	16	\$56,000
CARTER	CO SUPT--CARTER	0	\$0
CARTER	EKALAKA ELEM	87	\$420,000
CASCADE	CENTERVILLE EL	350	\$1,245,292
CASCADE	GREAT FALLS EL	12500	\$49,000,000
CASCADE	ULM ELEM	78	\$362,119
CASCADE	VAUGHN ELEM	190	\$570,000
CHOUTEAU	BENTON LAKE EL	8	\$48,155
CHOUTEAU	FT BENTON ELEM	521	\$1,825,000
CUSTER	CO SUPT--CUSTER	167	\$0
CUSTER	HKT-BASIN SPR CRK EL	8	\$28,300
CUSTER	MOON CREEK EL	10	\$28,000
CUSTER	S Y ELEM	11	\$26,000
CUSTER	TRAIL CREEK EL	8	\$24,146
DAWSON	DAWSON CO H S	1900	\$5,235,690
DEER LODGE	ANACONDA ELEM	1658	\$6,203,585
FALLON	BAKER H S	610	\$3,057,973
FERGUS	COTTONWOOD ELEM	7	\$30,000
FERGUS	DENTON ELEM	185	\$443,000
FERGUS	LEWISTOWN ELEM	1564	\$4,985,435
FERGUS	WINIFRED ELEM	150	\$822,953
FLATHEAD	CRESTON ELEM	60	\$212,263
FLATHEAD	EVERGREEN ELEM	733	\$2,285,884
FLATHEAD	KALISPELL ELEM	4533	\$14,678,943
FLATHEAD	WEST GLACIER ELEM	64	\$228,908
GALLATIN	CO SUPT--GALLATIN	250	\$0
GALLATIN	GALLATIN GTWY ELEM	131	\$429,514
GALLATIN	LA MOTTE ELEM	57	\$159,000
GALLATIN	OPHIR ELEM	55	\$141,000
GALLATIN	THREE FORKS EL	375	\$1,316,717
GALLATIN	W YELLOWSTONE ELEM	220	\$1,130,333
GALLATIN	WILLOW CREEK EL	50	\$500,000
GARFIELD	CO SUPT--GARFIELD	96	\$0
GARFIELD	SUTHRLND-COULEE ELEM	9	\$51,122

OFFICE OF PUBLIC INSTRUCTION

ELEMENTARY AND HIGH SCHOOL DISTRICTS
INTERESTED IN ACCOUNTING SOFTWARE

COUNTY NAME	DISTRICT NAME	ENROLLMENT	GENERAL FUND BUDGET
GOLDEN VALLEY	LAVINA ELEM	75	\$420,728
GRANITE	DRUMMOND ELEM	220	\$845,747
GRANITE	HALL ELEM	28	\$111,480
HILL	K-G ELEM	111	\$780,318
JEFFERSON	CLANCY ELEM	360	\$1,079,014
JEFFERSON	MONTANA CITY ELEM	179	\$678,669
LAKE	POLSON ELEM	1490	\$4,059,594
LAKE	ST IGNATIUS ELEM	588	\$2,290,779
LAKE	SWAN LAKE-SALMON ELEM	7	\$37,717
LEWIS & CLARK	CO SUPT--LEWIS & CLRK	0	\$0
LEWIS & CLARK	KESSLER ELEM	280	\$691,224
LIBERTY	J-I ELEM	160	\$634,505
LINCOLN	EUREKA ELEM	843	\$2,715,779
LINCOLN	FORTINE ELEM	67	\$182,550
LINCOLN	LIBBY ELEM	2200	\$7,217,213
LINCOLN	MCCORMICK ELEM	23	\$70,000
LINCOLN	TREGO ELEM	80	\$200,000
MADISON	ENNIS ELEM	350	\$1,434,333
MCCONE	CIRCLE ELEM	370	\$1,576,800
MCCONE	PRAIRIE ELK ELEM	5	\$26,550
MEAGHER	WHT SULPHUR SPGS HS	300	\$1,200,000
MINERAL	ALBERTON ELEM	240	\$980,125
MINERAL	SUPERIOR ELEM	450	\$1,580,542
MISSOULA	CLINTON ELEM	230	\$788,661
MISSOULA	POTOMAC ELEM	107	\$450,000
MISSOULA	SWAN VALLEY ELEM	67	\$270,589
MISSOULA	TARGET RANGE ELEM	500	\$1,456,535
MISSOULA	WOODMAN ELEM	62	\$280,000
MUSSELSHELL	MUSSELSHELL ELEM	18	\$87,043
MUSSELSHELL	ROUNDUP ELEM	700	\$2,301,084
PARK	COOKE CITY ELEM	15	\$31,922
PARK	SHIELDS VALLEY ELEM	289	\$1,232,655
PHILLIPS	WHITewater ELEM	75	\$796,701
PONDERA	DUPUYER ELEM	30	\$93,600
POWELL	ELLISTON ELEM	20	\$77,296
RAVALLI	HAMILTON ELEM	1329	\$4,198,658
RICHLAND	FAIRVIEW ELEM	375	\$1,984,178
RICHLAND	SIDNEY ELEM	1643	\$6,159,561
ROOSEVELT	BAINVILLE ELEM	100	\$650,000
ROOSEVELT	POPLAR ELEM	859	\$5,252,480
ROOSEVELT	WOLF POINT ELEM	1030	\$3,988,347
SANDERS	DIXON ELEM	60	\$320,450
SHERIDAN	MEDICINE LK EL	244	\$1,100,000
STILLWATER	NYE ELEM	7	\$70,609
STILLWATER	PARK CITY ELEM	337	\$792,000
STILLWATER	RAPELJE ELEM	73	\$678,606

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OFFICE OF PUBLIC INSTRUCTION

ELEMENTARY AND HIGH SCHOOL DISTRICTS
INTERESTED IN ACCOUNTING SOFTWARE

COUNTY NAME	DISTRICT NAME	ENROLLMENT	GENERAL FUND BUDGET
SWEET GRASS	BRIDGE ELEM	7	\$25,545
SWEET GRASS	CO SUPT--SWEET GRASS	0	\$0
TETON	PENDROY ELEM	9	\$44,290
TETON	POWER ELEM	157	\$704,652
VALLEY	GLASGOW ELEM	1000	\$4,577,608
WIBAUX	WIBAUX ELEM	250	\$1,437,789
YELLOWSTONE	BLUE CREEK ELEM	96	\$258,000
YELLOWSTONE	BROADVIEW ELEM	117	\$955,000
YELLOWSTONE	CUSTER ELEM	102	\$768,000
YELLOWSTONE	HUNTLEY PROJ ELEM	639	\$1,850,000
YELLOWSTONE	LAUREL ELEM	1900	\$6,000,000
YELLOWSTONE	MORIN ELEM	28	\$179,648
YELLOWSTONE	YLSTN EDUCATION CNTR	75	\$959,288

WITNESS STATEMENT

EXHIBIT 15
DATE 2-13-91
HB 486

NAME Randolph W. Jakes BILL NO. 486
 ADDRESS 1112 2nd Ave W., Kalispell DATE 2-13
 WHOM DO YOU REPRESENT? Diversified Computing, Inc.
 SUPPORT ~~_____~~ OPPOSE ✓ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Illogical: ① An attempt to replace (destroy) clean, private industry and replace it with government. - ~~No mention of purchase in bill - Lamm~~
~~cost to develop new software; then charge school districts to pay it back.~~ ② ~~Double cost to taxpayers -~~
 ③ No long term costs considered - how to maintain the software; train, etc. not to mention changes caused by new hardware changes ④ An attempt to "reinvent" the wheel. Already software from IBM-CMS, Softwise, Diversified Computing, Foxy Lady, etc., etc.
 ⑤ All AA's, A's, B's and many C Schools already automated - target 100 very small schools
 ⑥ Stephens administration opposes ~~the~~ ⑦ Deals only with accounting → many firms also have software developed for student tracking, grading, etc.

Alternatives 1) County managed co-operatives (for example - Platteau City)

2) state sponsored evaluation of existing software → Determine from this evaluation a "state approved" accounting system.

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TO: Representative Ted Schye, Chairman, and
Members of the House Education and Cultural Resources
Committee

FROM: Karen Schaefer, Consultant
FOXIE LADY COMPUTERS
P. O. Box 964
Scobey, Montana 59263

According to a survey conducted by the Office of Public Instruction, Foxie Lady Computers is the largest supplier of software presently in use by Montana schools. As a former School District Clerk, I used the Foxie Lady system for almost eight years, and am presently serving as a consultant for the Foxie Lady systems in 21 eastern Montana schools.

I stand opposed to House Bill No. 486, and these are my reasons:

1. The Office of Public Instruction is asking for a loan to develop and sell a service that is already being handled by private enterprise.
2. The service provided by the Office of Public Instruction, would this bill pass, would be in direct competition with at least five Montana businesses.
3. Foxie Lady Computers has, over the course of ten years, developed from scratch an accounting software package which meets O.P.I. standards for Governmentally Accepted Account Practices (G.A.A.P.). This was done with private funding and time. Based on our experience, if the O.P.I. were to develop an adequate school accounting software package program from scratch, the programming hours necessary would far exceed a cost of \$125,000.

Assuming that the Office of Public Instruction could develop an adequate software package for \$125,000, and sell 100

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of these packages for \$1,250 each in order to repay the State general fund (principal only), then the school districts would have to be assessed the additional costs of setup, training and phone support in order to avoid any further costs to the O.P.I.

The additional cost of setup, training and support after installation (not addressed in the bill) is substantial. These additional costs would be in the form of salaries for additional staffing required at the Office of Public Instruction to provide on-site training and follow-up telephone support to the schools who purchase the software. Based on a minimum of four days' setup and training per district, the initial man-hour requirement would be 400 days. This would, of course, require an expansion of the present O.P.I. staff.

The "cost of space" in this state is an additional consideration in terms of time and mileage. It has been my experience often to plan one additional day for travel to and from the installation site.

The Office of Public Instruction should direct its efforts to furthering the development of education in Montana, rather than to selling accounting software.

If Economic Development is an important goal of Montana's government, then an entity of that government should not be appropriated funding for the purpose of selling a product and service which is already being provided by Montana private enterprise.

20-2-112. Quarterly meetings of boards — called meetings — notice of meetings. (1) The board of public education and the board of regents shall meet at least quarterly.

(2) Other meetings of either board may be called by the governor, by the chairman, by the secretary, or by four appointed members.

(3) The secretary to each board shall mail notice to each member at least 7 days in advance of all meetings of the respective board.

History: En. Sec. 5, Ch. 344, L. 1973; R.C.M. 1947, 75-5613; amd. Sec. 4, Ch. 21, L. 1985.

Compiler's Comments

1985 Amendment: In (1) after "shall meet", substituted "at least quarterly" for "quarterly at

the same location on the second Monday of April, July, September, and December".

Cross-References

Open meetings, Title 2, ch. 3, part 2.

20-2-113. Per diem of board members — expenses. Appointed members of the board of public education and the board of regents shall be compensated and receive travel expenses as provided for in 2-15-124 for each day in attendance at board meetings or in the performance of any duty or service as a board member.

History: En. Sec. 6, Ch. 344, L. 1973; amd. Sec. 50, Ch. 439, L. 1975; R.C.M. 1947, 75-5614; amd. Sec. 6, Ch. 650, L. 1985.

Compiler's Comments

1985 Amendment: After "board of regents" substituted "shall be compensated and receive

travel expenses as provided for in 2-15-124" for "are entitled to \$25 per day and travel expenses, as provided for in 2-18-501 through 2-18-503".

20-2-114. Adoption of rules — seal — record of proceedings. The board of public education, the board of regents, and the state board of education each shall:

(1) adopt rules consistent with the constitution or laws of the state of Montana necessary for its own government or the proper execution of the powers and duties conferred upon it by law;

(2) adopt and use an official seal to authenticate its official acts; and

(3) keep a record of its proceedings.

History: En. Sec. 8, Ch. 344, L. 1973; R.C.M. 1947, 75-5616.

Cross-References

Seals defined, 1-4-201.

Manner of making seal, 1-4-202.

Regents' rulemaking power exempt from Montana Administrative Procedure Act, 2-4-102.

Public records, Title 2, ch. 6.

Preservation of records, Title 22, ch. 3, part 2.

20-2-115. Rules with substantial financial impact — fiscal note — effect without funding. (1) When developing rules, policies, and standards under 20-2-121(6), (7), (9), and (11), the board of public education shall concurrently develop a fiscal note to determine the financial impact of the rule, policy, or standard on school districts.

(2) The superintendent of public instruction shall prepare a suggested fiscal note for submission to the board. The board may also accept other testimony and exhibits on the financial impact to school districts before completing a final fiscal note.

(3) If the financial impact of the proposed rule, policy, or standard is found by the board to be substantial, the board may not proceed to rule-

proposed rule, policy, or standard through the foundation program. A substantial financial impact is an amount that cannot be readily absorbed in the budget of an existing school district program.

(4) A proposed rule, policy, or standard not found by the board to have a substantial financial impact on school districts or funded by the legislature may proceed to rulemaking.

History: En. Sec. 1, Ch. 691, L. 1985.

Cross-References

Duties of Board of Public Education, Art. X, sec. 9, Mont. Const.

Foundation program, 20-9-303. 17

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20-2-116 through 20-2-120 reserved

20-2-121. Board of public education — powers and duties. The board of public education shall:

(1) effect an orderly and uniform system for teacher certification and specialist certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and 20-4-111;

(2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of 20-4-110;

(3) administer and order the distribution of state equalization aid in accordance with the provisions of 20-9-344;

(4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of 20-10-111;

(5) approve or disapprove a reduction of the number of hours in a district's school day in accordance with the provisions of 20-1-302;

(6) adopt policies prescribing the conditions when school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for such days in accordance with the provisions of 20-1-303 and 20-1-304;

(7) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102;

(8) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of 20-7-201;

(9) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;

(10) adopt rules for issuance of documents certifying equivalency of completion of secondary education in accordance with 20-7-131; and

(11) adopt policies for the conduct of programs for gifted and talented children in accordance with the provisions of 20-7-903 and 20-7-904; and

(12) perform any other duty prescribed from time to time by this title or any other act of the legislature.

History: En. 75-5607 by Sec. 8, Ch. 5, L. 1971; (amd. Sec. 15, Ch. 434, L. 1975 — [unconstitutional, 32 St. Rep. 670]; Sec. 15, Ch. 434, L. 1975 repealed by Sec. 1, Ch. 4, L. 1977); amd. Sec. 1, Ch. 266, L. 1977; R.C.M. 1947, 75-5607; amd. Sec. 1, Ch. 511, L. 1979; amd. Sec. 9, Ch. 598, L. 1979; amd. Sec. 1, Ch. 94, L. 1983; amd. Sec. 1, Ch. 312, L. 1983.

Compiler's Comments

1983 Amendments: Chapter 94 inserted (10).

Cross-References

Regents' powers and duties, 20-25-301.

Italicized statements are not part of the formal rules but are noted in the accreditation manual as descriptive items only.

MONTANA SCHOOL ACCREDITATION STANDARDS AND PROCEDURES

From its earliest days as a state, Montana has set standards for its schools. Although the standards have changed throughout the state's first century, they have always reflected the efforts of many Montanans who care about improving education and ensuring the intellectual development and well-being of their most vital resource, their children.

In 1987-88, the state board of public education undertook Project Excellence: Designing Education for the Next Century, a comprehensive review of the state accreditation standards. The result is a set of model educational goals and measures that reflect the thinking of Montana's diverse citizens, who carefully considered what should be the instructional component of the state's basic system of quality elementary and secondary schools.

The process of developing accreditation standards is dynamic and is never "finished." These standards will be reviewed regularly and modified when they become obsolete, are impractical, are ambiguous or unclear, or when they are not reflective of sound educational practice.

The new accreditation standards represent a significant shift of emphasis from only quantitative accreditation to a combination of quantitative and process-based accreditation. The purpose of this change is to make local schools and districts more accountable to the people they serve and at the same time give the schools greater flexibility in how they use time, people, resources, and facilities to develop, implement, and assess their own curriculum within the framework of common student goals and expectations for the school environment.

The concepts of equal opportunity and an increased focus on individual learning needs are at the core of the accreditation standards. The standards also recognize that school leadership and the school's physical and instructional climate contribute positively to students' attitudes toward learning.

The new accreditation system affords the benefit of a built-in mechanism for school improvement statewide. The standards are an approval system that spurs continuous program evaluation and modification for greater school effectiveness. In essence, each school assesses itself, in accordance with the standards, and identifies areas of accomplishment and needed improvement. In this way, Montanans are assured that their schools constantly strive for high performance at all levels of instruction.

CHAPTER 55
STANDARDS OF ACCREDITATION
Sub-Chapter 6
General Provisions

The state board of public education is responsible for establishing and maintaining standards for all public schools in Montana. The standards guarantee students the benefits of attendance in accredited schools and provide a basis for transfer. The accreditation standards are reviewed regularly and published annually.

RULE 10.55.601 ACCREDITATION STANDARDS: PROCEDURES (1) The board of public education adopts standards of accreditation on the recommendation of the state superintendent of public instruction.

(2) The board and the office of public instruction establish procedures and schedules for reviewing the accreditation status of each school annually. (Eff. 7/1/89)

(3) For school years 1989-90 and 1990-91, accreditation will be based on the school's submission of the fall report and a preliminary plan for meeting the new standards. The fall report shall reflect the required standards the school is currently meeting. For the school year 1989-90, the preliminary plan will show how the school has organized its planning efforts. For the school year 1990-91, the plan will describe how the school will meet those standards which become effective in subsequent years. These plans will be submitted by December 1 of each year to the office of public instruction on forms provided by them. An assessment of the plan will be included in the office of public instruction's recommendation of accreditation status to the board of public education. (Eff. 7/1/89; Repeal 7/1/91)

(4) Effective on July 1, 1989, schools are required to maintain present programs that meet current standards until such standards are superseded. In addition, schools are expected to maintain current programs that conform to standards which have been adopted but have a delayed effective date.

RULE 10.55.602 DEFINITIONS (1) For the purposes of this chapter, the following terms apply:

(a) "Building administrator" means a person who is a part of the school's administrative or supervisory staff and who holds a class 3 certificate and is appropriately endorsed.

(b) "Combined school district" means an elementary district and a high school district which are combined for district administration purposes. Most town school districts in Montana would fit this category, i.e. Helena, Hamilton, Whitehall.

(c) "Deviation" means a citation of noncompliance with any given standard.

(d) "Distance learning" means instruction which takes place when the learner is distant from the instructor and/or instructional materials.

(e) "Effective schooling practices" refers to that body of knowledge known as "Effective School Practices" and generally means schooling practices which include a clearly defined curriculum; focused classroom instruction and management; firm, consistent discipline; close monitoring of student performance and strong instructional leadership.

(f) "Facilitator" means a person, on-site, either certified or noncertified, who assists students in receiving distance learning instruction.

(g) "Independent elementary school district" means a district organized for the purpose of providing public education for all or any combination of grades kindergarten through 8.

(h) "Learner Goals," as developed by the local school board, community, and educators and provided to the office of public instruction, are the attitudes, concepts, skills, and knowledge which students are given the opportunity to acquire during their K-12 schooling. They are to be developed progressively through three checkpoints:

(i) completion of the primary level (typically, at the end of grade 3);

(ii) completion of the intermediate level (typically, at the end of grade 8);

(iii) upon graduation (typically, the completion of grade 12).

Program areas designated by the board of public education in the accreditation standards will have locally developed learner goals which shall use as a model the learner goals as approved by the board and provided by the office of public instruction. The learner goals, as approved by

the board, are contained in the March 1989, Montana School Accreditation Manual, and are hereby adopted by reference and incorporated in this rule. A copy may be obtained from the office of public instruction.

(l) "Assessment" means local assessment used to monitor and measure the effectiveness of the instructional program. (Eff. 7/1/89)

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RULE 10.55.603 CURRICULUM DEVELOPMENT AND ASSESSMENT (1) Local school districts

are responsible for incorporating all required learner goals into their curriculum, defining and organizing the program area learner goals into specific curricula and for extending them to help students meet the challenges of the future, introducing the learner goals when appropriate, implementing them sequentially and developmentally, and building upon previous goals. Student assessment shall be used to examine the program and ensure its effectiveness.

(2) In all program areas and at all levels, the school district shall:

(a) Establish curriculum and assessment development processes as a cooperative effort of personnel certified in the program area and trustees, administrators, other teachers, students, specialists, parents, community and, when appropriate, state resource people.

(b) Develop, in accordance with the schedule in subsection (3), written sequential curricula for each subject area. The curricula shall address learner goals as defined in ARM 10.55.602 and district educational goals.

(c) Construct curriculum to include such parts of education as content, skills and thinking.

(d) Review curricula at intervals not exceeding five years and modify as needed to meet educational goals.

(e) Establish a curriculum review cycle and timelines for curriculum development and evaluations.

(f) Select materials and resources to include supplies, books, materials and equipment necessary for development and implementation of the curriculum and assessment that are consistent with the goals of the education program. These materials shall be reviewed at least every five years.

(3) By September 15, 1991, the school shall begin the curriculum development process in at least one program. School districts will continue to follow their approved plan to align programs until the school year 1999-2000, when all programs must be in alignment with the above curriculum development process. The schools shall submit a plan by the same date to the office of public instruction designating the subject areas to be considered each year and the anticipated completion. Any variation of the plan must be approved by the board of public education.

(4) In all program areas and at all levels, the school district shall:

(a) Assess, in accordance with the schedule in subsection (5), student progress toward achieving learner goals including:

(i) the content and data;

(ii) the accomplishment of appropriate skills;

(iii) the development of critical thinking and reasoning; and

(iv) attitude.

(b) Use assessment results to improve the educational program.

(c) Use effective and appropriate tools for assessing student progress. This may include but is not limited to:

(i) Standardized tests;

(ii) Criterion-referenced tests;

(iii) Teacher-made tests;

(iv) Ongoing classroom evaluation;

(v) Actual communication assessments such as writing, speaking, and listening assessments;

(vi) Samples of student work and/or narrative reports passed from grade to grade;

(vii) Samples of students' creative and/or performance work;

(viii) Surveys of carryover skills to other program areas and outside of school.

(5) Not later than the school year immediately following the completion of a written sequential curricula in a subject area, the school shall begin the development of an assessment process for a subject area. Once begun, the assessment process for a subject area will be in place within two years until the school year 2000-2001, when all programs must be in alignment with the assessment process. (Eff. 7/1/89)

(6) Beginning 7/1/92 schools shall conduct follow-up studies of graduates and students no longer in attendance. The study results shall be considered in curriculum development and shared with staff and school consultants. (Eff. 7/1/92)

RULE 10.55.604 ALTERNATIVE STANDARD (1) A school may apply to the board of public education through the office of public instruction for permission to use an alternative to any standard, section of standards, or the entire set of standards, excluding standards pertaining to law or certification requirements. To do so, the school shall provide the office of public instruction evidence that the opportunity to meet the accreditation standards' learner goals are at the core of its curricula--that is, that the school has put in place curriculum and assessment procedures which give students opportunities to meet the stated goals and which have been the results of the curriculum development process as outlined in the standards. The board of public education may withdraw its permission of the alternative program at any time if experience shows it no longer provides an educationally sound alternative.

(2) Permission to use an approved alternative shall be granted for one year. It is renewable for up to an additional five years without annual approval, if both the school and the board of public education find the one-year pilot to be workable and educationally sound.

(3) The school shall include an update on its alternative program(s) in its annual report to the office of public instruction.

(4) Approval and renewal of an alternative standard shall be done by the board of public education in open meeting, which provides opportunity for public comment on each school's application for use of the alternative standard. (Eff. 7/1/89)

RULE 10.55.605 CATEGORIES OF ACCREDITATION *Schools may be accredited according to four levels of compliance with accreditation standards:* (1) Regular accreditation: The school meets the requirements for regular accreditation. Its program reflects the standard's learner goals. The staff is certified, appropriately assigned, and fully utilized. The school program and resources are adequate. Facilities meet appropriate standards. The school trustees, staff, parents, and community work together to provide a quality education. Regular accreditation is for one year.

(2) Regular accreditation with note of minor deviations: The school meets most of the regular accreditation standards, but there are deviations from the standards that are of a minor nature. Regular accreditation with note of minor deviations will be for one year. If deviations are not corrected, the school may be moved to advice status.

(3) Accreditation with advice status: The school exhibits serious and/or numerous deviations from the standards. The school must submit an improvement plan developed by trustees, administrators, teachers, parents, and the community, to the office of public instruction. If a school is on advice status for two years and continues to have serious and/or numerous deviations, it will move to deficiency status.

(4) Accreditation with deficiency status: The fourth level is for schools that have been on advice status for two years and continue to have serious and/or numerous deviations, or have substantially increased the seriousness of deviations over the previous year. A school that employs a noncertified teacher, that has a facility that creates an unhealthy environment with safety and health hazards, or that provides an inadequate learning environment will be placed on deficiency status. The school administrator and the chair of the board of trustees will submit and/or come before the board of public education with an improvement plan and a systematic procedure for correcting the deviations noted.

(5) Nonaccredited status: If a school is on level four deficiency status and fails to document that it has met its improvement plan, its accreditation may be rescinded. (Eff. 7/1/89)

**Sub-Chapter 7
School Leadership**

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RULE 10.55.701 BOARD OF TRUSTEES *Public education in Montana is accomplished by the formation of school districts governed by boards of trustees, who make policy, establish elections, propose levies, and approve expenditures, and who serve at the will of the electorate according to the Montana Constitution, the laws of Montana, and the Administrative Rules of Montana of the board of public education and other pertinent state agencies.* (1) The board of trustees shall ensure that the school district complies with all local, state, and federal laws and regulations. (Eff. 7/1/89)

(2) The board of trustees will review the state accreditation standards annually and provide in each school building at least one copy of the standards for staff and public review. (Eff. 7/1/89)

(3) Each school district shall have in writing and available to the staff and public:

(a) A comprehensive philosophy of education. (Eff. 7/1/89)

(b) Goals which reflect the district's philosophy of education. (Eff. 7/1/89)

(c) Sequential curricula for each program area which addresses the learner goals and the district's educational goals. (Eff. 7/1/2000)

(d) Policies establishing student assessment procedures which ensure evaluation of the school's curricula. These procedures shall specify how and when data are to be collected, analyzed, and reported. (Eff. 7/1/91)

(e) Policies which delineate the responsibilities of the board, superintendent, and personnel employed by the school district. The trustees shall review these policies annually and make them available to employees and the public. (Eff. 7/1/89)

(f) A policy on student, parent, and school employee due process rights. (Eff. 7/1/89)

(g) An equity policy. (Eff. 7/1/89)

(h) A transfer policy for determining the appropriate placement of incoming students. (Eff. 7/1/91)

(i) An academic freedom policy. (Eff. 7/1/91)

(j) A materials selection policy, including a challenge procedure, for all curricular and support materials. (Eff. 7/1/91)

(k) A copyright policy. (Eff. 7/1/91)

(l) A policy that defines the use of school facilities and resources. (Eff. 7/1/91)

(4) The board of trustees shall evaluate the above policies on a regular basis. (Eff. 7/1/91)

(5) The board of trustees shall have valid, written contracts with all regularly employed certified administrative, supervisory, and teaching personnel. (Eff. 7/1/89)

(6) The board of trustees shall have written policies and procedures for regular and periodic evaluation of all regularly employed certified administrative, supervisory, and teaching personnel. The individual evaluated shall have a written copy of the evaluation, the opportunity to respond in writing to the evaluation, and access to his/her files. Personnel files shall be confidential. (Eff. 7/1/89)

(7) The board of trustees shall consider ways to establish conditions that contribute to a positive school climate and morale by encouraging cooperative and harmonious relationships among staff members, students, parents, and community. (Eff. 7/1/91)

(8) To enhance a positive learning environment, the board of trustees should:

(a) Establish a system to keep parents/guardians up to date on students' progress.

(b) Use technology and equipment to facilitate management and instruction.

(9) To ensure continuous education improvement, the district shall conduct a self-evaluation program at least every ten years. (Eff. 7/1/91)

RULE 10.55.702 CERTIFICATION AND DUTIES OF DISTRICT SUPERINTENDENT (1) The district superintendent shall:

(a) Be certified in accordance with state statutes and board of public education rules.

(b) Be responsible for selecting and assigning all school employees and for the administration and supervision of the educational program, subject to the approval of the board of trustees.

(c) Propose district goals and priorities for improvement, subject to the approval of the board of trustees.

(d) Oversee curriculum planning and ensure district continuity in implementation.

(e) Collect and summarize district-wide information, including student performance data. (Eff. 7/1/89)

RULE 10.55.703 CERTIFICATION AND DUTIES OF BUILDING LEVEL ADMINISTRATOR: PRINCIPAL (1) The building administrator shall:

(a) Be certified in accordance with state statutes and board of public education rules.

(b) Have a certificate endorsed at the level assigned as an administrator.

(c) Consider ways to:

(i) Provide instructional leadership.

(ii) Exercise vision in defining and accomplishing the school's mission.

(iii) Encourage teachers to have high expectations for student achievement.

(iv) Stress the importance of parents' and students' roles in academic success.

(d) Involve staff and others in decision making and in setting, accomplishing, and assessing educational goals.

(e) Carry out the district's policies and procedures.

(f) Be responsible for the effective day-to-day operation of the school, including the management of finances, materials, and human resources. (Eff. 7/1/89)

RULE 10.55.704 ADMINISTRATIVE PERSONNEL: ASSIGNMENT OF DISTRICT SUPERINTENDENTS (1) For assignment of district superintendents prior to 7/1/92 see ARM 10.55.705 (1). (Eff. 7/1/89; Repeal 7/1/92).

(2) Beginning 7/1/92 a combined elementary-high school district with fewer than 4 FTE certified staff shall employ a district superintendent on a full- or part-time basis. An independent elementary district with fewer than 4 FTE certified staff may employ a district superintendent on a full- or part-time basis or they shall use the county superintendent.

(3) An independent elementary district with 4-11 FTE certified staff shall use the county superintendent or employ at least a half-time district superintendent in addition to the building administrator. If properly certified, one full-time individual may fulfill the position of district superintendent and building principal.

(4) A combined elementary-high school district or a county high school district with 4-17 FTE certified staff shall employ at least a half-time district superintendent in addition to the building administrator. If properly certified, one full-time individual may fulfill the position of district superintendent and building principal.

(5) A combined elementary-high school district or a county high school district or an independent elementary district with 18-29 FTE certified staff shall employ at least a half-time district superintendent in addition to the required building administrator.

(6) A combined elementary-high school district or a county high school district or an independent elementary district with 30 or more FTE certified staff, or 551 or more students, shall employ a full-time district superintendent.

(7) A combined elementary-high school district or a county high school district or an independent elementary district with 100 or more certified FTE shall employ a full-time curriculum coordinator to supervise the educational program.

(8) Any district may seek alternatives to the above requirements including sharing a district superintendent (see "Alternative Standard," ARM 10.55.604). Where a district superintendent is shared, one superintendent may serve all the cooperating districts. (Eff. 7/1/92)

RULE 10.55.705 ADMINISTRATIVE PERSONNEL: ASSIGNMENT OF BUILDING ADMINISTRATORS (1) Prior to 7/1/92 requirements for the services of principals are determined by enrollments of schools or school districts.

(a) Any school with an enrollment of fewer than 150 students and not under the supervision of a district superintendent shall provide for supervision at the minimum average of two days per teacher per year through the office of the county superintendent.

(b) In any school district with a combined elementary and secondary enrollment of more than 50 but less than 150 students and where the superintendent serves as both elementary and secondary principal, the superintendent shall devote half time in each school to administration and supervision.

(c) In any school district where the combined elementary and secondary enrollment exceeds 150 but is less than 300, the superintendent may serve as half-time elementary or high school principal. The district must employ a half-time elementary or high school principal for the other unit in the district. The superintendent shall devote half time as principal of the assigned school. Or, in any school district where the combined elementary and secondary enrollment exceeds 150 but is less than 300, and where the superintendent serves as both elementary and secondary principal, the district must employ a half-time administrative assistant. The administrative assistant shall be defined as a person who holds a bachelor's degree and presents evidence of working toward the administrator's certificate on a planned program. If an administrative assistant is employed in lieu of a principal, the assistant must have already completed at least 15 credits in an approved administrative program leading to the principal endorsement. The district must ensure that the administrative assistant (intern) shows continued progress in that role within a three-year period.

(d) Any elementary or secondary school with an enrollment of 150 to 300 shall employ a principal (in addition to the superintendent) who shall devote half time to supervision and administration.

(e) Any school with an enrollment exceeding 300 shall employ a principal (in addition to the superintendent) who shall devote full time to supervision and administration.

(f) Any senior high school, junior high, middle school and grades 7 and 8 budgeted at high school rates with an enrollment of over 500 students shall employ an assistant principal who shall devote at least one-half of each school day to supervision and administration.

(g) Any elementary school with an enrollment of over 650 students shall employ an assistant principal who shall devote at least one-half of each school day to supervision and administration. (Eff. 7/1/89; Repeal 7/1/92)

(2) Beginning 7/1/92 schools shall employ appropriately endorsed building administrators as follows:

(a) A supervising teacher/county superintendent for schools with less than 4 FTE certified staff.

(b) .5 FTE for schools with 4-17 FTE certified staff.

(c) 1 FTE for schools with 18-29 FTE certified staff or 250-550 students.

(d) 2 FTE for schools with 551-1050 students.

(e) 3 FTE for schools with 1051-1550 students.

(f) 4 FTE for schools with 1551-2050 students.

(g) 5 FTE for schools with 2051 or more students. (Eff. 7/1/92)

(3) Beginning 7/1/92, in schools with more than one building administrator, the first administrator shall be appropriately endorsed as a principal. The additional administrators may have other administrative endorsements at the appropriate level that accurately reflect their supervisory responsibilities. For example, a school may assign properly certified and endorsed curriculum coordinators to supervise the appropriate instructional programs. (Eff. 7/1/92)

(4) Beginning 7/1/92, in schools with at least three FTE building administrators who are administratively endorsed, release time of department coordinators or chairpersons may be counted toward additional building administration. Department coordinators or chairpersons counted toward building administration shall not supervise or evaluate classroom instruction. (Eff. 7/1/92)

RULE 10.55.706 TEACHER INVOLVEMENT (1) Teachers shall be involved in curriculum development and student assessment and in the promotion of a school climate that enhances student learning, achievement, and well-being. (Eff. 7/1/89)

RULE 10.55.707 CERTIFICATION (1) All teachers shall hold valid Montana teaching certificates. Administrators who teach also shall hold teaching certificates. All supervisory personnel shall hold appropriate certificates.

(2) An emergency authorization of employment is not a valid certificate; it is granted to a district which, under emergency conditions, cannot secure the services of a certified teacher.

(3) All school psychologists must be certified with a Class 6 specialist certificate.

(4) Study hall supervisors and teacher aides need not be certified. However, an instructional aide assigned to a classroom shall be under the direct supervision of that classroom's teacher. Direct supervision means that the aide must be responsible to a certified teacher who has the legal authority to give grades, etc., for a group of students. The legal teacher must be present at school while the aide is fulfilling his/her responsibilities and must not be simultaneously assigned to another teaching duty.

(5) In accordance with state law, salary shall be withheld from teachers who have not registered their certificates in the office of the county superintendent within 60 calendar days after their term of service begins. County superintendents shall receive from the schools a list of district professional staff and their assignments and shall advise school districts of professional staff who do not have current registered certificates.

(6) All teachers shall file official transcripts of all college work in the office of their chief school administrator. If there is no district superintendent or principal, the county superintendent is the chief school administrator.

(7) All personnel whose qualifications are not outlined in the certification standards must have a license issued by the appropriate state or federal licensing agent if required by the existing rules and regulations.

(8) All teachers holding a provisional (Class 5) certificate will file in the office of the chief administrator the plan of intent from the college where they are completing their program. The district will ensure a yearly reduction of the deficiencies from each teacher's plan. (Eff. 7/1/89)

RULE 10.55.708 TEACHING ASSIGNMENTS (1) Teachers shall be assigned at the levels and in the subjects for which their certificates are endorsed. Exceptions are:

(a) Individuals serving in internship positions approved by the board of public education.

(b) Teachers assigned in grade 5 or 6 or in the departmentalized classroom or middle school, who hold a 5-12 secondary certificate, must be endorsed in the subjects they are teaching. A 5-12 certificate will not cover a grade 5 or 6 assignment in a self-contained classroom.

(c) For a clarification of teaching assignments in departmentalized and secondary settings, see "Montana School Accreditation and Procedures Manual" See *Appendix B*, published March 1987 or the latest edition by the office of public instruction, which is incorporated in this rule by reference.

(2) Certification at the elementary level based on a bachelor's degree entitles the holder to teach in grades K through 8.

(3) No teacher shall have more than 28 clock hours of assigned student responsibility per week except for one- and two-teacher schools. (Eff. 7/1/89)

RULE 10.55.709 LIBRARY/MEDIA SERVICES, K-12 (1) Prior to 7/1/94 in high schools, junior high schools, middle schools and 7th and 8th grades funded at high school rates, the full-time or part-time librarian shall have a teaching certificate with a library endorsement and the library shall be housed in a central location.

(a) In schools of 100 or fewer students, the librarian shall devote a minimum of 1½ hours or 2 periods per day in the library.

(b) In schools of 101 to 300 students, the librarian shall spend a minimum of 3 hours or 3 periods per day in the library.

(c) In junior and senior high schools of 301 to 500 students, the librarian shall spend full time in the library. One library aide shall be employed for each librarian, or the services of a student librarian or volunteer aide shall be available.

(d) Junior and senior high schools of 501 students shall have a full-time librarian and additional librarians at the following ratio:

Enrollment	Librarian
501 to 1,000	1.5
1,001 to 1,500	2
1,501 to 2,000	2.5
2,001 to 2,500	3

One library aide shall be employed for each librarian, or the services of a student librarian or a volunteer aide shall be available.

(e) Elementary schools with four or more teachers must assign a teacher with a minimum of nine credit hours in professional library training at a ratio of one full-time librarian to 800 students or a minimum of one hour per day, whichever is greater. In school districts employing a certified teacher with a library endorsement, a trained paraprofessional under the direct supervision of this librarian may be employed to meet this requirement. (Eff. 7/1/89; Repeal 7/1/94)

(2) Beginning 7/1/94 the library shall be housed in a central location, and each school shall have a full-time or part-time certified school library/media specialist with a K-12 library/media endorsement at the ratio as follows:

- (a) .5 FTE for schools with 126-250 students;
- (b) 1 FTE for schools with 251-500 students;
- (c) 1.5 FTE for schools with 501-1000 students;
- (d) 2 FTE for schools with 1001-1500 students;
- (e) 2.5 FTE for schools with 1501-2000 students;
- (f) 3 FTE for schools with 2001 or more students. (Eff. 7/1/94)

(3) Beginning 7/1/94 schools and/or districts of fewer than 125 students shall employ or contract with a certified, endorsed school library/media specialist, or they shall seek alternative ways to provide library/media services, using certified personnel. For example, they may contract for services or receive services from a regional, certified library/media specialist provided through joint efforts of adjacent districts and/or counties.

(a) Alternative services shall include:

- (i) Instruction in library/media skills;
- (ii) Administration of a library/media program that meets the district's instructional goals;
- (iii) Collection, development and management;
- (iv) Reader assistance;
- (v) Library/media collection management;
- (vi) Inservice in the use of new materials and equipment.

(b) When a school district uses alternatives to meet this standard, it shall submit a description of the alternatives to the office of public instruction and seek approval from the board of public education.

(Eff. 7/1/94)

RULE 10.55.710 ASSIGNMENT OF GUIDANCE STAFF (1) Prior to 7/1/94 guidance and counseling staff and/or services shall be provided for elementary students. (Eff. 7/1/89; Repeal 7/1/94)

(2) Beginning 7/1/94, a minimum equivalent of one full-time counselor for each 400 elementary (K-8) students shall be provided. The counselor/student ratio shall be prorated. (Eff. 7/1/94)

(3) A minimum equivalent of one full-time counselor for each 400 high school students (including grades 7 and 8 if high school funding is received) shall be provided. The counselor/student ratio shall be prorated. (Eff. 7/1/89)

(4) Schools and/or districts with fewer than 125 students shall employ or contract with a certified, endorsed school guidance specialist, or they shall seek alternative ways to provide services and meet the required guidance program goals, using certified personnel. For example, they may contract for services or receive services from a regional, certified guidance specialist provided through joint efforts of adjacent districts and/or counties.

(a) When a school district uses alternatives to meet this standard, it shall submit a description of the alternatives to the office of public instruction and seek approval from the board of public education. (Eff. 7/1/89)

RULE 10.55.711 GENERAL: CLASS SIZE AND TEACHER LOAD (1) These standards do not require a minimum class size at any grade level or for any subject offered. One pupil may be considered a class.

(2) Schools wishing to exceed class sizes and/or teacher loads shall seek the approval of the board of public education. In determining those variations the following will be considered:

(a) To allow students to progress at their own rate, schools may consider using nongraded classrooms.

(b) Teacher aides are mandatory when class size or teacher load exceed the standards, unless the teaching methods and the quality of instruction can be shown to nullify the effect of larger class size on student performance.

(c) The use of certified personnel who are endorsed in specialized K-12 areas. (Eff. 7/1/89)

RULE 10.55.712 CLASS SIZE: ELEMENTARY (1) In single-grade rooms, the maximum class size shall be:

(a) No more than 24 students in kindergarten;

(b) No more than 26 students in grade 1;

(c) No more than 26 students in grade 2;

(d) No more than 28 students in grades 3 and 4;

(e) No more than 30 students in grades 5 through 8. (Eff. 7/1/89)

(2) In single-grade rooms the maximum class size shall be:

(a) no more than 20 students in kindergarten and grades 1 through 2. (Eff. 7/1/92)

(3) In multigrade classrooms, the maximum class size shall be:

(a) No more than 20 students in grades K, 1, 2, and 3;

(b) No more than 24 students in 4, 5, and 6;

(c) No more than 26 students in grades 7 and 8. (Eff. 7/1/89)

(4) Multigrade classrooms that cross grade level boundaries (e.g., 3-4, 6-7) shall use the maximum of the lower grade. (Eff. 7/1/89)

(5) In one-teacher schools, the maximum class size shall be 18 students. (Eff. 7/1/89)

RULE 10.55.713 TEACHER LOAD AND CLASS SIZE: HIGH SCHOOL, JUNIOR HIGH, MIDDLE SCHOOL, AND GRADES 7 AND 8 BUDGETED AT HIGH SCHOOL RATES (1) In addition to the school administrator, the school shall employ a sufficient number of certified FTEs to allow for varying instructional patterns including, but not limited to teaming, core curriculum and departmentalization. Each program offered shall have properly endorsed FTE(s). (Eff. 7/1/89)

(2) Individual class size shall not exceed 30 students. (Eff. 7/1/89)

(a) Class size limits do not apply to instrumental music or choral groups. (Eff. 7/1/89)

(b) Health enhancement and typing classes shall have no more than 45 students. (Eff. 7/1/89)

(c) Health enhancement and typing classes shall have no more than 30 students. (Eff. 7/1/92)

(d) Laboratory/studio class size shall be limited for safety purposes. The number of students shall be determined through consultation with the teacher, considering the number, size and use of laboratory stations. (Eff. 7/1/92)

(3) The number of students assigned a teacher per day shall not exceed 160. (Eff. 7/1/89)

(a) Study hall, regardless of size, shall be counted at 15 students. (Eff. 7/1/89)

(b) Student limits do not apply to instrumental, music or choral groups. (Eff. 7/1/89)

(c) Library, guidance and study hall duties are assigned student responsibilities. However, in cases where a teacher is assigned full time in these areas, the assignment may be for the entire day. (Eff. 7/1/89)

(4) The number of students assigned a teacher per day shall not exceed 150. (Eff. 7/1/92)

(5) Teachers with a significant writing program, as determined by the local board of trustees, shall have a maximum load of 100 students. (Eff. 7/1/92)

RULE 10.55.714 PROFESSIONAL DEVELOPMENT (1) As part of a continuous program for instructional and administrative improvement, each school district shall provide a minimum of three days of professional development annually for each certified employee. A day of professional development is defined as six hours of actual contact time. Professional development time may be divided into no less than two-hour increments to facilitate delivery of professional development programs.

(2) By April 15 of each year, the school district shall formulate a professional development plan which includes:

(a) Goals and objectives appropriate to the professional development needs of teachers, administrators, school trustees, and all other school personnel.

(b) Acceptable activities.

(c) Evaluation methods required for each activity in the plan.

(3) The board of trustees shall establish an advisory committee to develop and evaluate the plan. The committee shall include but not be limited to teachers, administrative personnel, and trustees. A majority of the committee shall be teachers.

(4) The plan shall be on file in the school's administrative office or with the county superintendent. It shall be available to employees and the public. (Eff. 7/1/89)

Sub-Chapter 8 Educational Opportunity

EXHIBIT 18
DATE 2-13-91
HB 540

The Montana public school is a positive partnership of school trustees, staff, students, parents, and the community. Its central purpose is the intellectual development of its students.

RULE 10.55.801 SCHOOL CLIMATE (Beginning 7/1/91) (1) The board of trustees shall consider ways to:

(a) Encourage cooperative and harmonious relationships among staff, students, parents, trustees, and community.

(b) Determine whether or not its staff turnover is excessive and, if it is, the reasons why.

(c) Create teaching and learning conditions that meet the district's educational goals and attract and maintain a quality staff.

(d) Develop policies, procedures, and rules that respect the rights of all learners and promote an awareness of and concern for the well-being of others.

(e) Offer programs and services which, in content and presentation, endeavor to be free of stereotyping in terms of age, sex, religion, race, national origin, or handicapping condition.

(f) Provide programs and services that meet the needs of students which the school has identified as at-risk.

(g) Inform students of the school's expectations and of students' rights and responsibilities.

(h) Encourage students to take responsibility for their education, including preparing for and participating in class and school activities, taking full advantage of learning services provided, helping design their educational goals, and conducting themselves respectfully and appropriately.

(i) Encourage the active involvement of parents in their children's education and in their school.

(j) Provide opportunities for parents, educators, and members of the community to take active roles in developing and reviewing educational goals.

(2) In the area of technology, the board of trustees shall consider ways to:

(a) Provide access to current materials and resources in all program areas and at all levels, including a wide-range of up-to-date print and nonprint materials and technical resources which support the curriculum and help students meet the challenges of an information-based society.

(b) Integrate current and appropriate technology into each curricular area as a supplemental tool for instruction and for delivering and accessing information. "Technology" includes but is not limited to computer systems, databases, electronic and other media resources, and telecommunications.

(c) Keep up to date about computer and other appropriate technology and examine technology in terms of how it can help with educational delivery, while recognizing that computer and other appropriate technology is an assistant to rather than the primary deliverer of education.

(d) Encourage teachers to experiment with new computer and other appropriate technology to help make their teaching more effective and efficient.

(e) When possible, work closely with business and government to keep informed concerning the latest technology. (Eff. 7/1/91)

RULE 10.55.802 OPPORTUNITY AND EDUCATIONAL EQUITY (1) The school district shall not discriminate against any student on the basis of sex, race, marital status, national origin, or handicapping condition in any area of accreditation. This includes programs, facilities, textbooks, curriculum, counseling, library services, and extracurricular activities. It is the purpose of the accreditation standards to guarantee equality of educational opportunity to each person regardless of sex, race, marital status, national origin, or handicapping condition. (Transfer from ARM 10.55.109)

RULE 10.55.803 LEARNER ACCESS (1) Equal opportunity to learn is a primary consideration of all program areas, at all levels. In order to integrate this concept throughout the education program, the board of trustees shall develop and implement processes for assessing the educational needs of its students.

(2) In developing curricula in all program areas, the board of trustees shall consider ways to:

(a) Provide learning experiences matched to students' interests, readiness, and learning style.

(b) Take into account individual and cultural diversity and differences among learners. Cultural and language differences should be viewed as valuable and enriching resources.

(c) Nurture an understanding of the values and contributions of Montana's Native Americans and the unique needs and abilities of Native American students and other minority groups.

(d) Provide learning resources that are culturally inclusive and current.

(e) Provide opportunities for individual self-direction and decision making.

(f) Provide equal access to learning resources, including technology.

(g) Provide instructional materials which are sequential and compatible with previous and future offerings.

(h) Identify, using the school's own criteria, students who may be at risk, in need of special services, bilingual training or who are otherwise exceptional. (Eff. 7/1/91)

RULE 10.55.804 GIFTED AND TALENTED (1) Beginning 7/1/92 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 selection 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)

RULE 10.55.805 SPECIAL EDUCATION (1) Each school shall comply with all federal and state laws and regulations addressing special education.

(2) Each school shall use the Montana Special Education Reference Manual as guidance for administering special education programs.

(3) Each school shall provide structured support and assistance to regular education teachers in identifying and meeting diverse student needs, and shall provide a framework for considering a full-range of alternatives for addressing student needs.

(4) Each school shall be responsible for the following:

(a) Handicapped students shall be given opportunities to become confident, dignified, and self-sufficient members of society.

(b) To the maximum extent possible, and when appropriate, handicapped students are educated with nonhandicapped in the district in which they live.

(c) A student shall receive special education only when documentation shows that the student cannot be appropriately educated in the regular program.

(d) A current individualized education program is prepared for each student receiving special education.

(5) Each school district with middle, junior high, 7th and 8th grade budgeted at high school rates or high school(s) shall require the development and use of processes to waive specific learner goals based on individual student needs, performance levels, age, maturity, and assessment of ability. Goals which are viewed as the result of this process must be identified on a student's transcript.

(6) A student who has successfully completed the goals identified on an individualized education program shall be awarded a diploma. (Eff. 7/1/89)

EXHIBIT 18
DATE 2-13-91
HB 540

Sub-Chapter 9 Academic Requirements

Basic academic requirements form a solid foundation for each school's education program. Schools shall meet or exceed these requirements through carefully developed curricula and supportive resources.

RULE 10.55.901 BASIC EDUCATION PROGRAM: ELEMENTARY (1) An elementary school shall have an education program that gives students the opportunity to meet the learner goals as defined in ARM 10.55.602 at the appropriate levels. (At least one component a year beginning 7/1/91; Eff. 7/1/99)

RULE 10.55.902 BASIC EDUCATION PROGRAM: MIDDLE SCHOOL (1) A middle school, as defined in ARM 10.13.201, differs from a junior high school because middle school philosophy specifically addresses the unique nature of middle school children by focusing on their intellectual, social, emotional, and physical development. To put such philosophy into practice, a middle school must have flexibility to approach instruction and teaching in a variety of ways, to undertake interdisciplinary work, and to plan blocks of course work deriving from the intellectual, social, emotional, and physical needs of middle school students. (Eff. 7/1/89)

(2) A middle school shall have an education program that gives students the opportunity to meet the learner goals as defined in ARM 10.55.602 in the program areas listed in subsection (5) at the appropriate levels. (At least one component a year beginning 7/1/91; Eff. 7/1/99)

(3) A middle school minimum curriculum shall include the subjects below and maintain them in balance. Critical and creative thinking, career awareness, lifelong learning, and safety will be incorporated in the school program. (Eff. 7/1/89)

(4) Schools using this standard to incorporate flexibility in quest of a quality program shall document the program with curriculum guides, class schedules, and other means to maintain balance among and within the disciplines outlined below. Such documentation shall be reviewed by the office of public instruction and approved by the board of public education. The middle school curriculum must fall within the continuum of skills that are part of the K-12 program in all disciplines. (Eff. 7/1/89)

(5) If the middle school program for grades 7 and 8 is funded at high school rates, the program shall include:

(a) Visual arts: including but not limited to art history, art criticism, aesthetic perception, and production;

(b) English language arts: including but not limited to literature, language study, reading, writing, listening, speaking, and thinking;

(c) Health enhancement;

(d) Social studies;

(e) Mathematics: including but not limited to written and mental computation and problem solving;

(f) Music: including but not limited to general, instrumental, and vocal (emphasizing comprehensive music elements, music history, criticism, aesthetic perception, and musical production);

- (g) Physical and life sciences;
- (h) Vocational/practical arts such as agriculture, business education, home economics, industrial arts, and marketing;
- (i) Exploratory courses such as creative writing, dance, drama, photography; (Eff. 7/1/89)
- (j) Beginning 7/1/94, in addition, students shall have the opportunity to take a second language. (Eff. 7/1/94)

RULE 10.55.903 BASIC EDUCATION PROGRAM: JUNIOR HIGH AND GRADES 7 AND 8 BUDGETED AT HIGH SCHOOL RATES (1) The basic education program for junior high school and grades 7 and 8 budgeted at high school rates shall have an education program that gives students the opportunity to meet the learner goals as defined in ARM 10.55.602 in the program areas listed in subsection (2) at the appropriate levels. (At least one component a year beginning 7/1/91; Eff. 7/1/99)

- (2) Study areas identified as meeting the learner goals include:
 - (a) English language arts: 1 unit each year in junior high and grades 7-8;
 - (b) Social studies: 1 unit each year in junior high and grades 7-8;
 - (c) Mathematics: 1 unit each year in junior high and grades 7-8;
 - (d) Science: 1 unit each year in junior high and grades 7-8;
 - (e) Health enhancement: ½ unit each year in junior high and grades 7-8;
 - (f) Visual arts: ½ unit each year in junior high and grades 7-8;
 - (g) Music: ½ unit each year in junior high and grades 7-8;
 - (h) Vocational/practical arts: ½ unit each year in junior high and grades 7-8; (Eff. 7/1/89)
 - (i) Beginning 7/1/94, in addition, students shall have the opportunity to take a second language, ½ unit each year in junior high and grades 7-8. (Eff. 7/1/94)

HIGH SCHOOLS

RULE 10.55.904 BASIC EDUCATION PROGRAM OFFERINGS: HIGH SCHOOL (1) The basic education program for each high school shall be at least 16 units of course work that give students the opportunity to meet the learner goals as defined in ARM 10.55.602 in the program areas listed in subsection (2). (At least one component a year beginning 7/1/91; Eff. 7/1/99)

- (2) Study areas shall include at least the following:
 - (a) 4 units of English language arts;
 - (b) 2 units of mathematics;
 - (c) 2 units of science;
 - (d) 2 units of social studies;
 - (e) 2 units of vocational/practical arts;
 - (f) 1 unit of fine arts;
 - (g) 1 unit of health enhancement;
 - (h) 2 units of electives.
 (Eff. 7/1/89)
- (3) The basic education program for each high school shall be at least 20 units of course work that give students the opportunity to meet the learner goals set forth in the program area standards as defined in ARM 10.55.602. (Eff. 7/1/92) (At least one component a year beginning 7/1/91; Eff. 7/1/99)

- (4) Study areas shall include at least the following:
 - (a) 4 units of English language arts;
 - (b) 3 units of mathematics;
 - (c) 3 units of science;
 - (d) 3 units of social studies;
 - (e) 2 units of vocational/practical arts;
 - (f) 2 units of fine arts;
 - (g) 1 unit of health enhancement;
 - (h) 2 units of second language; and
 - (i) 2 units of electives (Repeal).
 (Eff. 7/1/92)

RULE 10.55.905 GRADUATION REQUIREMENTS (1) As a minimum, a school district's requirements for graduation shall include a total of 20 units of study that meet the required learner goals. (Eff. 7/1/89)

(2) In order to meet the learner goals as defined in ARM 10.55.602, the following 9½ (Eff. 7/1/89); 13 (Eff. 7/1/92) units shall be part of the 20 units required for all students to graduate:

(a) 4 (Eff. 7/1/89); units of English language arts;

(b) 2 units of mathematics; (Eff. 7/1/89)

(c) 1½ (Eff. 7/1/89); 2 (Eff. 7/1/92) units of social studies;

(d) 1 (Eff. 7/1/89); 2 (Eff. 7/1/92) units of science;

(e) 1 unit of health enhancement, with ½ unit each year for two years; (Eff. 7/1/89)

(f) 1 unit of fine arts; (Eff. 7/1/92)

(g) 1 unit of vocational/practical arts. (Eff. 7/1/92)

(3) Units of credit earned in any Montana high school accredited by the board of public education shall be accepted by all Montana high schools. (Eff. 7/1/89)

(4) In accordance with the policies of the local board of trustees, students may be graduated from high school with less than four years enrollment. (Eff. 7/1/89)

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RULE 10.55.906 CREDIT: HIGH SCHOOL, JUNIOR HIGH AND GRADES 7 AND 8 BUDGETED AT HIGH SCHOOL RATES (1) General

(a) A high school shall require a minimum of 20 units of credit for graduation, including ninth grade units. A unit of credit shall be given for satisfactory completion of a full-unit course.

(b) A unit of credit is defined as the equivalent of at least 225 minutes per week for one year.

(c) Passage of time between classes may be counted toward the standard school day but shall not be counted toward class time.

(2) Fractional Credit

(a) A student who is unable to attend class for the required amount of time may be given fractional credit for partial completion of a course, with the local administrator's permission.

(3) Credit Waiver

(a) Each governing authority may waive specific course requirements based on individual student needs and performance levels. Waiver requests shall also be considered with respect to age, maturity, interest, and aspirations of the students and shall be in consultation with the parents or guardians.

(4) Alternative Credit

(a) With the permission of the school district trustees, a student may be given credit for a course satisfactorily completed in a period of time shorter or longer than normally required and, provided that the course meets the district's curriculum and assessment requirements, which are aligned with the learner goals stated in the education program. Examples of possible acceptable course work include accredited correspondence and extension courses, adult education, summer school, work study, specially designed courses and challenges to current courses. Any acceptable program must be consistent with local board policy.

(b) Any Montana high school shall accept such units of credit taken with the approval of the accredited Montana high school in which the student was then enrolled and which appear on the student's official transcript. (Eff. 7/1/89)

RULE 10.55.907 DISTANCE LEARNING (1) Distance learning may be used as part of the instructional program. To use distance learning programs local school districts shall apply for an alternative to the standard by:

(a) Documenting in writing the need for the course;

(b) Describing how the course instruction will be delivered and will meet learner goals;

(c) Showing that the distance learning classroom environment meets health and safety standards and provides effective access of students to instruction;

(d) Validating that the teachers of distance learning courses are certified and appropriately endorsed in Montana, eligible for certification in the sending state or certifiable in their resident state and have experience in delivering instruction via distance learning. If the teacher of a distance learning course cannot meet any of the above certification criteria, then the facilitator

in the receiving classroom must be certified at the appropriate level, but not necessarily endorsed in the area of assignment;

(e) Verifying that local facilitators, who assist students in receiving the instruction on site, have adequate pre-service training and local supervision;

(f) Showing how the effectiveness of the course, teacher and facilitator will be assessed and recorded;

(g) Describing in writing why the course is not taught using on-site classroom instruction. (Eff. 7/1/89)

Sub-Chapter 10 Learner Goals

SCHOOL PROGRAM PROGRAM AREA STANDARDS

Much of the accreditation process is based on a school's ability to meet the fundamental learner goals set forth in the Program Area Standards that follow. The standards are minimums and not the only goals a school should set for its students.

The Program Area Standards give guidance in identifying subject matter and degrees of sophistication to be emphasized at each level of the education program.

For organizational purposes, the Program Area Standards are outlined by learner areas. They do not intend to specify course titles unless noted otherwise.

RULE 10.55.1001 DISTRICT'S RESPONSIBILITIES FOR PROGRAM AREA STANDARDS (1) It is the school district's task to:

(a) Incorporate all required learner goals, as defined in ARM 10.55.602, into its curriculum.

(b) Introduce the learner goals when appropriate, implement them sequentially and developmentally, and build upon previous goals. (At least one component a year, beginning 7/1/91; Eff. 7/1/99.)

RULE 10.55.1002 CROSS-CONTENT AND THINKING SKILLS

All disciplines in the education program are interdependent and empowered by the application of creative and critical thinking skills. Subjects cannot be taught in isolation; they do, in fact, overlap and find their greatest value when they are part of an integrated program of knowledge, skills, and opportunities that challenge students. To this end:

(1) Recognizing that the interdependence of skills and content is essential to an effective education program, the school district shall consider ways to develop curricula that integrate program area skills across curricular content and that give students opportunities to use these skills in meaningful contexts that relate to the world around them.

(2) The school district shall develop curricula at all grade levels and in all program areas that encourage students to understand and apply thinking and problem solving skills. The curricula shall allow students to:

(a) Identify and define a problem;

(b) Learn methods of gathering, analyzing, and presenting information;

(c) Practice logical, creative, and innovative thinking and problem solving skills in a variety of situations;

(d) Apply the skills of decision making and reasoning. (At least one component a year, beginning 7/1/91; Eff. 7/1/99.)

The specific program areas address thinking skills in greater detail. Schools are encouraged to use these sections to guide total curricular development.

Sub-Chapter 11
Communication Arts: Program

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Language is at the core of successful schooling and living. Through language, humans learn beyond their own direct experiences; through their skills, concepts, and experiences in the communication arts, students become educated not merely in "English," but in all subject areas. Thus, effective communication arts programs have a very high priority in the curricula of Montana schools.

The education program in Communication Arts encompasses the study of languages and literatures, the development of reading, writing, listening, and speaking skills, effective media use, and the nurturing of creative, logical, and critical thinking.

RULE 10.55.1101 COMMUNICATION ARTS PROGRAM (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) In general, a school's communication arts program shall:

(a) Be literature-based and include a wide variety of fiction and nonfiction, representing diverse cultures of Montana, the United States, and the world.

(b) Create a "whole language" environment that integrates communication skills in all subject areas and that gives students extensive opportunities to use these skills in meaningful contexts.

(c) Encourage reading as a search for information, meaning, and pleasure. The program will provide literature of high quality, which is enriching for every age and ability level.

(d) Include a writing program that emphasizes process and focuses on the communication of ideas.

(e) Include an oral language program that involves students in a variety of speaking, listening, and viewing activities.

(f) Give students opportunities to pursue their special gifts and interests through co-curricular offerings such as drama, speech, debate, journalism, literary publications, and humanities.

(g) Provide programs that enable students to use their communication arts skills in the community and in the world.

(h) Take advantage of the offerings of special groups in education, business, and industry.

(i) Be accomplished by activities such as creative drama, cooperative learning, small-group discussion, whole-language experience, and cross-content projects.

(j) Use the language of students with limited English proficiency to develop more diverse English language skills. (Eff. 7/1/89)

Sub-Chapter 12
Fine Arts: Program

The Fine Arts provide a means of expression and communication that goes beyond speaking and writing. The Fine Arts are our most illuminating and universal form of language; through them we transmit to our children our cultural heritage and humanity.

The Fine Arts dynamically cultivate all of the senses, emotions, and intelligences. They are the means by which students develop literacy in the symbol systems fundamental to higher order and critical thinking. And, they constitute a dimension of learning which extends and fulfills human experience unlike that of any other discipline.

The Fine Arts are not complete until understandings are found between and among the arts and they are integrated with other Program Areas.

RULE 10.55.1201 FINE ARTS PROGRAM (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) A basic program in fine arts includes:

- (a) Visual arts (drawing, painting, printmaking, photography, film, electronic media, sculpture, two- and three-dimensional construction, applied design, and kinetic and performance art).
- (b) Performing arts, including music (choral music, instrumental music, and music appreciation); theater (drama, play production); and creative movement.
- (c) Literary arts (poetry, prose, drama).
- (d) Instruction that incorporates fine arts' history, criticism, production, performance, and aesthetics. (Eff. 7/1/89)

Sub-Chapter 13 Health Enhancement: Program

Health Enhancement teaches children the importance of achieving and maintaining a healthy lifestyle. It helps them actively protect, maintain, and improve their health and sensitizes them to society's critical health issues.

The Health Enhancement program is a comprehensive program that combines the disciplines of health and physical education. The present separation of these two critical elements is not in the best interests of our children. Healthy, well-nourished children learn better. A healthy state transcends the physical and includes mental, social, physical, and intellectual dimensions of self. Quality of life, health care, and the containment of health care costs will be major issues for all Montanans in the next century. By sensitizing our children to health care issues and establishing and encouraging health behaviors that can be maintained throughout life, we can positively influence Montana's future.

RULE 10.55.1301 HEALTH ENHANCEMENT PROGRAM (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) In general, a basic health enhancement program shall:

- (a) Integrate lifestyle management throughout the curriculum.
- (b) Focus on the total self and the development of responsibility, values, attitudes, and behaviors.
- (c) Give students decision making tools for personal health.
- (d) Address intellectual, social, emotional, and physical dimensions of healthy lifestyles. (Eff. 7/1/89)

RULE 10.55.1302 HEALTH ENHANCEMENT PARTICIPATION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Each student shall participate in a health enhancement program which is based on age, ability, and aptitude. (Eff. 7/1/89)

Sub-Chapter 14 Mathematics: Program

Mathematics gives students the skills necessary to solve problems, to reason inductively and deductively, and to apply the numerical and spatial concepts necessary to function according to their needs in a technological society.

Priorities for basic mathematical skills include more than computation. A technological society requires daily use of skills such as estimating, problem solving, organizing and interpreting data, measuring, predicting, and applying mathematics to every day situations.

Mathematics is a dynamic, growing, and changing discipline whose cross-curricular significance requires its integration into all academic areas. An effective curriculum is responsive to recent developments in mathematical knowledge, the needs of an information society,

the availability of technology such as computers and calculators, and includes relevant applications of mathematics.

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RULE 10.55.1401 MATHEMATICS PROGRAM (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) In a basic mathematics program, students:

- (a) Become mathematical problem solvers;
- (b) Learn to communicate mathematically;
- (c) Learn to reason mathematically;
- (d) Learn to value mathematics;
- (e) Become confident in their ability to do mathematics;
- (f) Select and use appropriate technology to solve problems and acquire new knowledge. (Eff. 7/1/89)

Sub-Chapter 15 Science: Program

Science is a creative process used to investigate natural phenomena, resulting in the formation of theories verified by directed observations. These theories are challengeable and changeable. Data used to support or contradict them must be reproducible.

Although science as a body of knowledge is ever changing, the processes of science are constant. In scientific procedure, a problem is identified, pertinent data is gathered, hypothesis is formulated, experiments are performed, the results are interpreted, and conclusions are drawn.

Science education strengthens students' basic investigative skills and fosters their understandings of and interest in the world. They acquire and apply critical thinking and problem solving skills and information critical to survival in a technological society.

RULE 10.55.1501 SCIENCE PROGRAM (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) A basic program in science gives students the opportunity to:

- (a) Use scientific processes and communicate how they are used to develop scientific knowledge.
- (b) Develop the use of science skills to enhance his/her ability to think logically, critically, and creatively.
- (c) Recognize that scientific knowledge is continually subject to review, verification, and revision.
- (d) Gather reliable information in all areas of the sciences, using chemicals, laboratory equipment and hands-on activities safely and appropriately.
- (e) Show competence in measurement and mathematics.
- (f) Gain and convey information through oral, written, and graphic communication.
- (g) Recognize the character of independent and dependent variables.
- (h) Understand the core concepts of current scientific knowledge and use them in problem solving and decision making.
- (i) Identify problems of individual or social importance and select and apply appropriate scientific techniques to investigate these problems.
- (j) Understand the interactions of science, technology, and society.
- (k) Explore the use of science-related skills effectively in careers, leisure activities, and lifelong learning. (Eff. 7/1/89)

Sub-Chapter 16

Social Studies: Program

Social studies draws on the social sciences (economics, history, political science, geography, sociology, anthropology, psychology) and the humanities (theory, literature, the arts, and philosophy). The social studies cover United States studies, global studies and the social science disciplines.

RULE 10.55.1601 SOCIAL STUDIES PROGRAM (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) A basic program in social studies gives the student an opportunity to:

(a) Participate in meaningful first-hand and hands-on learning activities that draw on experiences in the home, school, neighborhood, and the world.

(b) Participate in committee work, role playing, creative drama, classroom discussion, and interviews.

(c) Develop research skills, which may include the gathering and recording of information from a variety of sources such as films, pictures, oral and written literature, music, and field trips.

(d) Develop citizenship skills through sharing, acceptance of responsibility, cooperative learning, compromising, conflict resolution, and decision making.

(e) Enhance his/her communication skills through drawing, acting, reading, writing, listening, and speaking.

(f) Use topics that engage his/her interests and extend personal context for learning to a global realm. Learning activities are varied and involve the student intellectually, socially, and physically.

(g) Nurture an understanding of the contemporary and historical traditions and values of Native American cultures and other minority cultures of significance to Montana and to society. (Eff. 7/1/89)

Sub-Chapter 17

Vocational/Practical Arts: Program

The Vocational/Practical Arts is a program of articulated, well-planned, coordinated, and sequential experiences that prepare students for successful participation in community, home, life, postsecondary education, and work.

The Vocational/Practical Arts include Agriculture, Business and Office Education, Home Economics and Wage Earning Home Economics, Industrial Arts and Technology, Marketing, Trades and Industry, and Traffic Education.

Vocational/Practical Arts serve students who want, need, and/or benefit from foundations for career planning; communication and computation skills and technical literacy; personal skills and attitudes; broad and specific occupational skills and knowledge; and employment skills, including self-employment.

RULE 10.55.1701 VOCATIONAL/PRACTICAL ARTS PROGRAM (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) In general a basic program in vocational/practical arts shall:

(a) Be an integral part of the education program and a complement to the academic program.

(b) Motivate students, provide exploratory experiences, and increase career planning and employment skills.

(c) Be a cooperative effort of business, industry, and schools, contributing to Montana's economic development.

(2) The program shall give students the opportunity to:

(a) Develop their vocational aptitudes to the highest level possible in order to promote success in their postsecondary living experience.

(b) Increase their abilities to function successfully in home, social, and consumer environment.

(c) Develop student leadership skills through curricular and vocational organization activities that encourage active interest in the community and in the value of good citizenship.

(d) Learn to use leisure time in a worthwhile manner.

(e) Become motivated to master academic skills and demonstrate the practical application of those skills in a working and living environment.

(f) Apply critical thinking, decision making, and problem solving skills to vocational education and occupations.

(g) Develop positive attitudes toward work, respect for quality workmanship, and effective interpersonal skills.

(h) Develop an understanding of safe, efficient, and courteous highway use as a passenger, pedestrian, cyclist, or motor vehicle operator. (Eff. 7/1/89)

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Sub-Chapter 18 Library/Media: Program

The pleasure of reading, viewing, and listening, and the ability to use and manage information are essential for students to function in a global community.

RULE 10.55.1801 LIBRARY/MEDIA PROGRAM (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Library/media services bring together the resources and technology that enable a student to:

(a) Read for the sake of enjoyment and enrichment.

(b) Read, listen, and view critically.

(c) Learn effective ways to find information and material to meet his/her unique needs.

(d) Organize, analyze, and interpret information.

(e) Integrate information across content areas.

(f) Reach conclusions.

(g) Become a lifelong learner.

To help students achieve learner goals, the library/media program shall:

(a) Teach library/media skills in sequence and in the context of the K-12 curriculum.

(b) Support and enrich all areas of the school program.

(c) Integrate library/media instruction across content areas.

(d) Involve students in literature and reading, with the opportunity to be advised about reading in an unstructured, informal setting.

(e) Encourage a love of reading and an appreciation of literature.

(f) Give students the opportunity to identify and meet personal information needs. (Eff. 7/1/89)

Sub-Chapter 19 Guidance: Program

Students of all ages must make many choices that affect their lives, now and in the future. Comprehensive guidance programs are a way to serve the divergent and changing needs of students.

The student is the focus and purpose of a K-12 guidance program, and all students should benefit from it. Through all levels and in all areas, students shall continue to build upon previous learner goals. Also, because citizenship skills are important to personal and social development, see "Social Studies" program standards.

RULE 10.55.1901 DEFINITION (In accordance with ARM 10.55.603 and ARM 10.55.1001) (1) Guidance counseling is the specific educational service that helps individual students develop their personal, social, educational, and career/life planning skills. (Eff. 7/1/89)

Sub-Chapter 20 School Facilities and Records

RULE 10.55.2001 SCHOOL FACILITIES (1) School facilities shall be constructed, maintained, and supervised in accordance with all applicable local, state, and national codes, regulations, and laws. *See Appendix C.*

(2) School facilities shall be of sufficient size and arrangement to meet all programs' educational goals.

(3) The board of trustees shall provide for educational facilities which are pleasant and reasonably safe for the conduct of the educational and extracurricular activities of students, and which will meet federal accessibility standards.

(4) The school shall provide the necessary equipment for emergency nursing care and first aid.

(5) When the board of trustees considers major remodeling or building a facility, it shall seek facility expertise in all affected program areas as well as comments from faculty, students, and community.

(6) The board of trustees shall have in writing a policy that defines the use of school facilities and resources. (Eff. 7/1/89)

RULE 10.55.2002 STUDENT RECORDS (1) Each school shall keep a permanent file of students' records, which shall include the name and address of the student, his/her parent or guardian, birth date, academic work completed, level of achievement (grades, standardized achievement tests), immunization records as per 20-5-406 MCA, and attendance data.

(2) Student records shall be kept in a fire resistant file or vault in the school building or, for rural schools, in the county superintendent's office. The board of trustees shall establish policies and procedures for the use and transfer of student records, which are in compliance with state and federal laws governing individual privacy.

(3) All inactive permanent records from a school that closes shall be sent to the county superintendent or the appropriate county official. (Eff. 7/1/89)

RULE 10.55.2003 SPECIAL EDUCATION RECORDS (1) A separate records file shall be maintained for each student receiving special education and/or related services. As a minimum, each record will contain the materials required by federal and state special education laws.

(2) Records will be maintained in a secure and confidential manner.

(3) The board of trustees shall establish written procedures for the destruction of confidential records. Records are to be kept for a minimum of five years after termination of special education services or after age 18 or legal age. (Eff. 7/1/89) *See Appendix E.*



Board of Public Education

EXHIBIT 19
DATE 2-13-91
HB 540

BOARD MEMBERS

EX OFFICIO MEMBERS:

Stan Stephens, Governor
Nancy Keenar, Superintendent
of Public Instruction
John Hutchinson, Acting
Commissioner

APPOINTED MEMBERS:

Bill Thomas, Chairperson
Great Falls
John Kinna, Vice-Chairperson
Helena
Ronald Fernelius
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Anita Johnson
Lewistown
Saran Listerud
Wolf Point
Alan Nicholson
Helena
Tom Thompson
Heart Butte

TO: House Committee on Education
Rep. Ted Schye, Chairman

FROM: Wayne Buchanan

DATE: February 13, 1991

RE: Testimony on HB 540

Wayne Buchanan
Executive Secretary

Mr. Chairman, Members of the Committee:

The Board of Public Education would like to go on record as an opponent to HB 540. According to one of its proponents, the primary reason for their support of this bill is the allegedly high cost of the new accreditation standards, promulgated by this Board in 1988. Those standards have gained nearly universal approval from the educational community, but the cost related to their implementation have engendered considerable criticism. If, indeed, that criticism was one of the reasons for this legislation, I would respectfully submit to this Committee and to Representative Simpkins that this bill is the wrong vehicle, in the wrong forum, and utilizes the wrong process for addressing any grievances with regard to the school accreditation standards.

Because they are central to our discussion I will use the new standards to illustrate some of the problems with this legislation. Page 1, lines 17-20 of the bill would require a determination of the fiscal impact of a proposed rule prior to any hearings being scheduled. As many of you on this committee are aware, the current standards resulted from a study which was mandated and funded by the 50th Legislature. Dubbed "Project Excellence," this study took two years, cost \$150,000, and involved 18 public hearings across the state. Hundreds of pages of testimony had to be reviewed before the first rough draft of the new standards was compiled. Even after the new standards were in semi-final form, there were numerous compromises by the educational community prior to their adoption. The point of reviewing this history for you is to demonstrate that it would have been impossible to determine the fiscal impact of the standards prior to the hearings. In fact, to do so would be in violation of the law. The Montana Administrative Procedures Act requires that the public be afforded the opportunity to be heard and participate in the formulation of administrative rules.

Even after the rules have been formulated it may be difficult to determine their cost. Again I will use the standards to illustrate. Part of the standards that have been criticized as very costly are those related to class size. Those are set forth on page 10. Notice that they seem to require a general reduction in class size from those in effect in 1989 to those that must be in effect by 1992. I say "seem to require"

because a school may exceed the numbers in those ~~two sections~~ and still fully meet the standard. I would direct your attention to Rule 10.55.711 General Class Size and Teacher Load on the bottom of page 9. That rule suggests that schools may exceed the class loads under four conditions: 1) when using nongraded classrooms, 2) having teacher aides present, 3) when it can be shown that teaching methods and quality of instruction would nullify the effect of larger classes or teacher loads, and 4) when using certified people endorsed in specialized areas. In addition, any standard, except those related to teacher certification, may be replaced by an alternative standard as outlined on page 4 in Rule 10.55.604 Alternative Standard. During the past year, there have been 71 requests for the use of alternative standards and all were reviewed and approved by the Board.

With the Committee's forbearance, I would offer one more example. Rule 10.55.804 Gifted and Talented, on page 12 has generated a great deal of controversy. That rule requires school districts to "make an identifiable effort" to provide services to gifted and talented students. What is an "identifiable effort" is left to the school district to decide. This may range from additional projects for bright youngsters while in the basic classroom to expensive pull-out programs with specially equipped classrooms and teachers with special certification. Thus the cost of meeting this standard may vary from virtually nothing to thousands of dollars for each student.

The point of all this is that the cost of meeting the present standards is largely left to the school districts and is nearly wholly dependent on the ways in which they choose to implement them. One of the great strengths of the standards is that they encourage schools to be innovative. The down side to this strength is that it makes it very difficult to estimate their costs until we know what each school district intends to do given their special and individual circumstances.

The present law defines substantial financial impact on page 2, lines 18-20, as "an amount that cannot be readily absorbed in the budget of an existing school district program." A factor which makes it hard to estimate the additional costs associated with the standards is not knowing what the schools are currently doing in their respective programs. For example, suppose a rule were to be adopted which required all schools to offer Spanish as part of their curriculum. Obviously, a school that already offered Spanish would not be able to claim this as an additional expense. But what of the situation where the school already employs a teacher that is endorsed in Spanish whose schedule could be arranged to add a section of Spanish? What of the district that offered five other languages, one of which may be substituted as an alternative for or replaced by Spanish? These are judgment calls that must be left to the schools and are clearly beyond the ability of an external entity to make.

The problems associated with making these judgments when combined with the flexibility of the standards would make it impossible to comply with this bill should it be enacted. However, difficulties associated with the implementation of the new standards are being met under the present system. At recent meetings, the Board has heard from several superintendents regarding the costs of implementing the standards. In a number of instances the Board has requested those presentations from particular schools. In addition, the board has

taken note of pertinent fiscal developments, such as the budget caps and their effect on particular schools, that have occurred since the standards were adopted. Though I cannot speak for the Board in this regard, it is logical to assume that if circumstances warrant it, adjustments will be made in either the content of the standards or the timeline for their implementation.

If this bill were to be enacted, it would take away all authority from the Board of Public Education to adopt accreditation standards for the schools. In effect, the legislature would assume this responsibility. If you are convinced that this would be in the best interests of education in this state, I would urge you to pass this bill.

If, however, it is the intention of this bill to serve as a lesson to the Board it is a lesson that cannot and should not be learned. The sole function of this lay citizen board is to represent the young people who attend the public schools of this state. To this end the board will recommend, plead, beg, speak out, threaten and demand that our schools do the best job they can with the resources that are available to them. But when it comes to threatening and demanding we are really a toothless tiger. No one on the present Board can remember the last time a Board took away the accreditation of a school. I think I can. In 1976 or 1977, at a board meeting I attended, the Board removed the accreditation of Dixon High School because the enrollment had fallen to 11 students. The Board reluctantly concluded that this was too few students to provide an adequate high school experience.

As someone who was not involved in any way in their formulation, I can report to you that the new standards are really excellent, perhaps the best in the country. They will surely be used as a model in other states. They direct the energies of the school districts where they belong, namely, to smaller classes and student access to the capable people that make learning possible. At the same time, they allow considerable latitude for local control by encouraging innovation and by being variable enough to permit their costs to be absorbed by existing budgets. Evidence of this fact was presented by your own Legislative Fiscal Analyst who concluded in 1989 that the standards as written could be implemented without additional funding.

Yet, the Board stands accused of being irresponsible in adopting these standards without regard to their cost. I fail to see how that charge could be sustained by a fair reading of the standards. Still if the costs are demonstrated to be too high, or the goals expressed in the standards are unattainable for some districts, they may be amended by the Board. In my 15 years of experience with various Boards of Public Education I have never found one to be unreasonable in this regard and I think that it would be unjustified to conclude, at this point in the process, that this board will act unreasonably this time. In short the present system is working very well. There is no reason for this bill and it should not leave this committee.

GUARANTEED TAX BASE

EXHIBIT 20
DATE 2-13-91
HB 435

Ideally a guaranteed tax base (GTB) is a guaranteed taxable value such that ---if you are a "poor" district the GTB will give you a tax base that is at least average. Most people seem to think this is fair and every district should have a taxable value that is at least average. The GTB should also be directly related to the cost of educating students in the district. At the present time the only measurement that relates directly to the cost for a district is the foundation program moneys each school receives. The foundation program moneys each school receives is the core measurement for other moneys. The permissive amount is 35% of this and one of the caps is 135% of the foundation program. It follows that the GTB should also be based on the foundation program amount. This is what this bill does. Every school's GTB would, when the bill is amended to reflect the correct multiple, be; in the elementary 8.68 times the foundation amount, and in the high school 16.34 times the foundation amount. These multiples could change each year as they are total state taxable value divided by total state foundation program moneys.

The calculation and work that needs to be done to calculate how much GTB each district would receive is easily done. A district that is eligible for guaranteed tax base money (their actual tax base is less than their guaranteed tax base) will calculate the district mills needed in the permissive area by using the GTB and not actual tax base. The state contribution then is the difference between what these mills actually bring in and what the need was. The GTB is only good in the permissive area. This is no change from the present law. FRANK LOEHNDING (proponent)

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BILL NO. 435

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Harold Olson	Breede Park, Alaska		
Frank Leehding Boinville	Boinville Schools	X	
Linda Carlson St. Regis	St. Regis Schools	X	
Chip EROMANN	MT Rural Ed Assoc	X	
JACKSON Redhorn	MT of M. NATIVE AMER. STUDIES	X	
Jeffrey B. Adams	WFM Native American	X	
Pat Melby	Underfunded Schools		✓
JIM STANTON	BAKER SCHOOLS	X	
STANTON			
Jessie Reason	MFT	X	

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Earl P. Simpson</i>	<i>Great Falls Pub. Sch.</i>	✓	
WAYNE BUCHANAN	BPE		X
<i>Jesse Long</i>	SAM		X
Cliff Erdmann	Mr. Rual Ed Assoc	X	
<i>Kay McKenna</i>	MACSS		✓
<i>Eric Iavar</i>	MSA		2
JACK COXES	OIZ		✓
<i>Cresia Reardon</i>	MFT		X
<i>Bruce W. Newer</i>	MSBA	X	

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<i>Earl B. Smith</i>	<i>Great Falls Public Sch</i>	✓	
Randolph Jakes, Kalispell	Diversified Computing, Inc		✓
Jerry Hudson Billings	Foxie Lady		✓
CAL WATC	Foxie Lady Computer		✓
CARL FOX	FOXIE LADY		✓
Nancy E. Fox			✓
Kathy Fabiano	OPT	✓	
Eric Jager	MSA	Σ	
<i>Linda Nelson</i>	ND 19		✓

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Robert Richards	Miles City Schools	✓	
Edna M. Hunt	Great Falls Pub Hl	✓	
W. James Kambe	Public Safety Div / DOC	Information	
James T. R	Bldg. Codes Bureau	Information	
Joanne Chance PE	MT Tech Council		✓
GARY J GRIFFITH	Bozeman Schools		✓
Jim Mc STANTON	BAKER	X	

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Joe McDonald	Salish Kootenai College	✓	
Tracie Buckless	School District # 30 ^{ROMAN} MT	✓	
JOYCE SILVERTHORNE	SALISH KOOTENAI COLLEGE	✓	
Walter Fleming	mont. State Univ.	✓	
Art McDonald	Dull Knife College	✓	
Marjorie M. Clark	Montana State Univ.	✓	
KAREN BROOKLUS-FENTON	CONF. Salish Kootenai TRIBES	✓	
Bum STIFFARM	MT INDIAN ED ASSN. FT BELKNAP	✓	
Cher Desjarlais	Student Rep. University of Montana	✓	
Robert Fouty	SALISH KOOTENAI COLLEGE	✓	
Jim Smith	MRECA	✓	
BOB KERVALLS	H.D #9	✓	
W. B. K. / K. M. C.	ASMSU Lobbyist	✓	
Kate Cholewa	MT Womens Lobby	✓	

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JACK Cogan

CPZ