

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON EDUCATION

Call to Order: By SENATOR CHET BLAYLOCK, on February 1, 1991, at 3:00 P. M.

ROLL CALL

Members Present:

Chet Blaylock, Chairman (D)
Harry Fritz, Vice Chairman (D)
Robert Brown (R)
Bill Farrell (R)
H.W. Hammond (R)
Dennis Nathe (R)
Mignon Waterman (D)
Bill Yellowtail (D)

Members Excused: Dick Pinsoneault (D)

Staff Present: Eddye McClure (Legislative Council).

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

Announcements/Discussion: Chairman Blaylock made the following announcement: " When we had our executive session, we passed a number of bills out of here including SB 17. It went out of here with the understanding of all the committee members that we were quite close to 0-0 at the percentage we had put that in. Eddye had said that she needed time which was a reasonable request to get the amendments in order--all those amendments that we put in. So I told Betsy not to release that bill. She still has it.

Since we did that, Madeline Quinlan of OPI and Terry Cohea of LFA and I think that Curt (Nichols) agrees with them also that there is a disparity in what we said (or thought we said). We thought it was pretty close to 0-0; instead there seems to be a possibility that there is 9 million dollars more in there than what we thought. Therefore, because of that I would like to have a motion that we reconsider our action in giving out a DO PASS out of here to get it back before the committee. Curt, Madeline and Terry are going to get together and see if they can give us a firmer number of where we are that we can put in that bill."

EXECUTIVE ACTION TAKEN;

SENATOR FARRELL MOVED that the committee reconsider their action in passing SB 17 out of committee with a DO PASS and that by this vote bring SB 17 back into the committee. The vote was unanimous. MOTION CARRIED.

HEARING ON SB 88

Presentation and Opening Statement by Sponsor:

Senator Bob Brown from District 2 presented SB 88, an act to change the membership and terms of appointment for members of the Certification Standards and Practices Advisory Council which is a council that was formed by the legislature two sessions ago to advise the Board of Public Education. The sponsor said the makeup of the Certification Standards and Practices Advisory Council is set forth in the law and is still in Section I of the SB 88. He said that the first change occurs in Line 21 where the number four is stricken and three is inserted in regard to "teachers engaged in classroom teaching". There has to be a kindergarten teacher and high school teacher. Apparently since Vo-Tech centers are funded as part of the university system and are no longer considered part of K-12, there is no point having them as members of this group to advise the Board of Education.

The sponsor said that there is a re-definition of how we define a person employed as a specialist or K-12 specialist on Page 3 of the bill.

The real change is made down on the bottom of Page 2, Sub-paragraph 4 where it says that members shall serve staggered three year terms and must be appointed so that no three appointments expire in any one year. The way existing law works is that it is a seven member board and four of the terms end and then two years later three of them come up. It seems like there would be more continuity if the terms were staggered. The sponsor said that SB 88 is at the request of the Board of Education. Senator Brown said that it had been brought to his attention that there may be an amendment proposed on Line 10, Page 3 having to do with the teaching of art, music and physical education. It seems that Section 3 may be in conflict with Section 5.

Proponents' Testimony:

Bonnie Speare who is the chairperson of the Certification Standards and Practices Advisory Counsel testified in support of SB 88. See Exhibit 1. She said that SB 88 is designed to clarify the three different items as outlined in Exhibit 1.

Kathleen Harrington who is the acting administrator of the Certification Standards and Practices Advisory Counsel testified in support of SB 88. She said that the Counsel would like to have Section 5 stricken from SB 88 because they felt that it was

not written correctly. She pointed out that there is a conflict in how to implement the staggered terms. She said that she thought in their conversations their intentions were not clearly stated and that a conflict developed.

She said that Section 3 does what they intended. Section 5 would extend the present terms. That action would make those two sections incompatible. Ms. Harrington said that the Counsel would request that Section 5 be deleted and that this action will take care of this conflict.

Gail Gray, Office of Public Instruction testified in behalf of SB 88. She explained the amendment offered by OPI which would change Lines 10-11, Page 3. The amendment recommends that the words "art, music or physical education" be deleted because OPI anticipates having additional K-12 endorsements provided including computer education and foreign languages which may be offered at a later date. OPI wants the bill to be more flexible so if additional courses are determined to be a K-12 endorsement by the Board of Public Education, it could apply in this particular section.

There were no opponents to SB 88.

Senator Bob Brown, the sponsor of SB 88, closed the hearing.

HEARING ON 187

Presentation and Opening Statement by Sponsor:

Senator Yellowtail, District 50, presented SB 187 an act which would require a high school diploma or GED as a qualification for a trustee for school district. He said that he was presenting the bill at the request of a constituent who points out that the complexity of being on a Board of Trustees is great and requires responsibility for interpreting budgets, certification requirements, accreditation standards and many other duties. The sponsor suggested that the requirement of high school education or a GED certificate might be a modest requirement for those seeking position of trustee. The sponsor said that there are all sorts of educational qualifications requirements for a variety of offices in the rest of state law and he felt that this bill presented a reasonable request.

Proponents' Testimony:

There were no proponents to SB 187.

Opponents' Testimony:

Greg Fine from the Missoula County High School Board of Trustees testified against SB 187. He said that he was elected to the Board of Trustees two years ago while still attending high school. Although he was expecting to graduate with a high school diploma in two months at the time of his election, he did not have a high school diploma or GED at that time.

He said that he was testifying as an opponent to SB 187 with hesitation since he felt that his reasons might be quite personal. He said that he feels that the Missoula community has benefitted by his being on the school board and he'll find out in April if he was correct in thinking this. He said that as a trustee he has travelled the nation and the state and it has been a very unique and great opportunity that his community afforded to him. So he said while he thought that SB 187 was right in requiring a trustee to have a high school diploma, he hoped that the committee would take his particular position into account when they make a decision.

Senator Mignon Waterman, District 22, testified as an opponent to SB 187. She said that she has known persons who served as trustees while still students in school and persons from her family all of whom have not had a high school diploma at the time of being elected to office. She noted that she comes from a family where she was the first person in a family of five children to have a high school diploma. She also has other relatives all of whom have not graduated from high school.

She said that she thought that her mother and some other relatives would have been good additions to a school board. She said that her mother who does not have a high school diploma now serves on the City Commission at Boulder. She said that she thought to preclude these persons from serving because they didn't finish school is very inappropriate. She also noted that the office of governor does not have such an educational requirement for office.

Closing by Sponsor:

Senator Yellowtail said that he offered congratulations to Greg Fine who had taken the responsible action of running for school board. He said that he did not mean to detract from that admirable achievement but he felt that Greg might agree that for a job as complex as trustee in a school district, a requirement of high school might not be unreasonable.

The senator said that there is a possibility that this minimal qualification might remove a few people but he said that he thought that in this day and age, the requirement is important. He said that he thought it is a minimal reasonable requirement.

Questions From Committee Members:

Senator Waterman asked if a person who graduates from home school has a high school diploma. Other members of committee were unable to answer the question.

Senator Hammond stated that through the years he has known some very effective members of school board who did not have a high school diploma and he can remember a couple people who served who did not have an eighth grade diploma. They were people who came from another country and different situations were involved. He said that some of their contributions still stick in his mind.

Closing by Sponsor:

In closing Senator Yellowtail said that he was serious about the matter of some type of qualification for the office of school board trustee. He said that perhaps this was unacceptable to the committee but he felt it was important. He thanked Senator Waterman and Greg Fine for their testimonies.

He said however that he feels such a requirement is a serious issue. While it can be pointed out that there have been great statesman who have not had the benefit of a high school education, there are school board members who are ill prepared to manage the responsibility of being a school board trustee.

Senator Yellowtail said that he knows that the School Board Association does provide training but it is voluntary. He said that he would hope that the committee might consider establishing some requirement that newly elected school board trustees attend a certain training period.

EXECUTIVE ACTION ON SB 187

Motion:

SENATOR WATERMAN MOVED that SB 187 be tabled. The vote was unanimous. Motion carried.

Discussion:

Senator Waterman said that while she admitted that there are a number of people elected to the school board who are ill prepared, some have degrees and some do not. She said that she agreed with Senator Yellowtail that there should be mandatory training for the position of trustee in Montana. She said such training is required in many states.

EXECUTIVE ACTION ON SB 88

SENATOR BROWN MOVED that members of the committee strike the new Section 5, Page 4 of SB 88 as called for in the amendment offered by OPI. The vote was unanimous. Motion carried.

SENATOR BROWN MOVED that on Line 10, 11 the words, "teach art,

music or physical education" be deleted in SB 88. The bill would now read "who is assigned to teach in classroom that is not self-contained".


The vote was unanimous. Motion carried.

SENATOR HAMMOND MOVED that SB 88 be given a DO PASS as amended. The vote was unanimous. Motion carried.

ADJOURNMENT

Adjournment At: 4:00 P. M.


CHET BLAYLOCK, Chairman


BETSY CLARK, Secretary

CB/bc

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 1, 1991

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration Senate Bill No. 88 (first reading copy -- white), respectfully report that Senate Bill No. 88 be amended and as so amended do pass:

1. Title, lines 9 and 10.

Following: "DATE"

Strike: the remainder of line 9 through "DATE" on line 10

2. Page 3, lines 10 and 11.

Following: "teach" on line 10

Strike: the remainder of line 10 through "education" on line 11

3. Page 4, lines 2 through 5.

Strike: section 5 in its entirety

Signed: _____
Chet Blaylock, Chairman

 2/1/91
Amd. Coord.

SB 2/1 4:55
Sec. of Senate

TESTIMONY ON SB 88

The Certification Standards and Practices Advisory Council was created by the 1987 Legislature. It is authorized to study and make recommendations to the Board of Public Education on certification issues. These include:

1. teacher, administrator, and specialist certification standards, including precertification training and education requirements and certification renewal requirements and procedures;
2. the status and efficacy of approved teacher education programs in Montana; and
3. policies related to the denial, suspension, and revocation of teaching certification and the appeals process.

The Council consists of seven members appointed by a majority vote of the Board of Public Education. The membership must include four teachers engaged in classroom teaching in Montana; one faculty member from an approved teacher education program offered by an accredited teacher education institution in Montana; one person employed as a certified administrator in Montana; and one Montana school district trustee.

This bill is a housekeeping measure that clarifies the definition of specialist by adding a K-12 specialist, eliminates references to teachers that serve at vocational technical centers, increases the term of office from two years to three years, and implements staggered terms for Council members.

Under current certification rules a specialist is a school psychologist. This legislation continues with that interpretation of a specialist but broadens the specialist category by adding K-12 specialists. This group includes teachers who are not assigned to a self-contained classroom (art, music or P E teachers) or who provide a specialized function in the school (special education teacher, librarian or school counselor).

The reference to teachers serving at vocational technical centers is eliminated because those centers are now under governance of the Board of Regents rather than the Board of Public Education.

The term of office is increased from two to three years because Council members have found that two years is insufficient to learn the duties of the Council, identify areas for study and then complete recommendations on complex issues.

Also, it requested that the term of office be staggered so that the Council does not have the misfortune of losing all of its members at one time. This year five of the members will be leaving. This severely strains the work of the Council and may delay implementation of Council projects.

Finally, the Council would like to recommend that Section 5 of the SB 88 be stricken because it is in conflict with the implementation of staggered terms as outline in Section 3. Section 5 would extend the term of office for current members from two to three years. This would mean that current terms would not expire in 1991. Thus, section 3 would be in conflict with Section 5. Also, section 5 specifies appointments to the Board of Public Education rather than the Certification Standards and Practices. That is wrong. Striking Section 5 would resolve the conflict within the bill.

SENATE EDUCATION

EXHIBIT NO. 1

DATE 2-1-91

no. 88

2-1-91

Education

WITNESS

NAME

BILL #

Support	Oppose
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Support	Oppose
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Bonnie Speare

Cert. Advisory Council

SB 88

X

Kathleen Harrington

Cert. Advisory Council

SP 88

X

Napier Buchanan

BPE

SB 88

X

Carl Van

Q F Q

SB 88

X

Phil Campbell

MEA

5B 88

X

Greg Fine

mcHs

SB187

Minor Waters

Senator - Dist 22

SB187

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