

## **MINUTES**

### **MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION**

**Call to Order:** By Senator Blaylock, on January 6, 1993, at 1 p.m.

#### **ROLL CALL**

##### **Members Present:**

Sen. Chet Blaylock, Chair (D)  
Sen. Harry Fritz, Vice Chair (D)  
Sen. Bob Brown (R)  
Sen. John Hertel (R)  
Sen. Spook Stang (D)  
Sen. Daryl Toews (R)  
Sen. Mignon Waterman (D)  
Sen. Bill Wilson (D)  
Sen. Bill Yellowtail (D)

**Members Excused:** Sen. Nathe

**Members Absent:** none

**Staff Present:** Eddye McClure, Legislative Council  
Sylvia Kinsey, Committee Secretary

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

##### **Committee Business Summary:**

Hearing: Senate Bill 20, Senate Bill 22  
Executive Action: Senate Bill 20

Chair Blaylock introduced the new members of the committee, Senators Hertel, Wilson and Toews as well as the Legislative Council staff and the secretary. He said if a vote is taken on a bill he would hold it open if someone is presenting a bill, would discourage any proxy voting, but if there was a good reason one should be given to the Chair.

#### **HEARING ON SENATE BILL 22**

##### **Opening Statement by Sponsor:**

Senator Blaylock explained SB 22 as a bill which became necessary because of a Supreme Court ruling. The law read that whenever the trustees of a district received recommendation for termination, it should be by May 1. The Supreme Court decision in

a case which was after May 1 said that was all right because it was not personal to that particular teacher. The language would make it clear it must be before May 1.

**Proponents' Testimony:**

Phil Campbell, Montana Education Association referred to the changes made in the bill and the Supreme Court ruling which occurred because a tenured teacher had been terminated after the May 1 date. The Supreme Court said because the reason was financial and not personal to the teacher it was okay that they did not follow the procedure. The other change in the bill on page 3 and 4, is that the same language applies to both tenured and nontenure teachers. This language says if a teacher is terminated for financial reasons and those financial conditions change before the start of the school year, that teacher has to be rehired.

Terry Minow, Montana Federation of Teachers, said the issue of teacher termination could be very real this spring with the proposed funding cuts in K-12 and the University System, particularly in the Vo-Techs. She felt this bill was a prudent move for the committee to take at this time.

**Opponents' Testimony:**

Bruce Moerer, Montana School Boards Association, said in some cases a teacher was terminated before they held a hearing and the statute requires a notice be given, a hearing held and then a termination. He was not sure the language change would solve the problem because the Court said it was not that serious a violation of the procedural requirements. The real concern of the Court was with the page 3 and 5 changes where he felt if there was to be public employee collective bargaining, and many contracts have recall provisions in them, that this is an issue where the Legislature should not interfere but should be negotiated in the contract. Mr. Moerer said he also had concerns over the definition of a financial condition being resolved and gave examples of a second or third vote on a levy which passed at a lower level. He felt this bill took discretion away from trustees.

Don Waldron, Montana Rural Electric Association, said he was concerned with the reference to notices, then adding the new section with no time lines and felt time lines were necessary since it might be impossible to contact the teacher. He felt this should be negotiated.

Loren Frazier, School Administrators, said the School Administrators had a problem with some of the financial criteria. He pointed out that if you eliminated a program and you had more money as a result, do you have to bring the program back or bring the teacher back if you do not have the program anymore. He said they would like more clarification as to financial condition and

the criteria that goes along with it.

Informational Testimony:

None.

Questions From Committee Members and Responses:

Senator Waterman asked Mr. Campbell how they would determine who to rehire. She said if 10 positions are terminated and an additional levy is raised which is about half the original amount and there is money to hire back five teachers, how do you figure out which five to rehire. Mr. Campbell said he felt it would depend on which programs were put back, and the teachers rehired for those particular programs.

Senator Waterman said there could then be the problem of having none of those programs reinstated, but a new one started instead. Mr. Campbell felt if that were the case the trustees would say it was a program they no longer needed, not because of money. Sen. Waterman said she felt his testimony was based on the assumption that a program would be reinstated, she was not sure this bill said you have to reinstate some of the programs. Mr. Campbell said he did not think the bill would require them to put the programs back, the reason the teacher was terminated was because you did not have the money. If the money comes and the program is available, you could not go out and hire a new teacher.

Senator Waterman summed up the answers that this bill would not be read so broadly that if you restored half of the programs you would have to restore all of them. She said her second question was where Mr. Campbell had said "they must be rehired", not that they must be offered a contract. She felt there should be some sort of process if the teacher could not be contacted. Mr. Campbell said you would have to offer the contract, you could not force anyone to continue working. Sen. Waterman felt the language should be cleaned up.

Senator Waterman asked Mr. Moerer if a district is going to change programs, that is an educational decision and should have been made in the process of budget and programs for the next year and should have occurred before May 1. She did not believe financial difficulties later would be the normal time to change a direction in programs, possibly a reduction in programs, but not to change direction and offer a new program. Mr. Moerer gave the example of Home Economics in some smaller districts. There has been reduced attendance, it has been considered for a couple of years and when the financial crisis arrived, they just decided to cut this program. If later the financial situation improves and you know this is a decision that should have been made anyway for program reasons, then why put it back in when you know the next year it will probably have to be cut anyway. He said with a lot of small districts there was not enough money in reducing a program, they would have to cut it.

Senator Toews asked Mr. Campbell why they chose the beginning of school as the cut-off date for receiving more funds. For small schools this seemed late. Mr. Campbell said he thought the idea was that if the financial situation clarified itself in November, that would be the situation, and if the financial situation was clarified before school starts, that person would be brought back.

Senator Hertel said most schools begin their fiscal year July 1, and he felt that would be the reasonable time to make that decision. Mr. Campbell said final budgets are not set until August, and you could have a situation where you were running that second or third levy in July.

Closing by Sponsor:

Senator Blaylock closed by saying with the proposal to clean up the language that Senator Waterman suggested would be appropriate. He said in the district he represents they had to drop over 100 teachers about three years ago. They were finally able to pass levies and received some money and then put those teachers back on. He felt it was necessary for these people who were hanging out there with no jobs to know that they had some security.

HEARING ON SENATE BILL 20

Opening Statement by Sponsor:

Senator Towe explained SB 20 as an anachronism that we still refer to the five Vo-Tech Centers. Most of the states have changed the names of their postsecondary facilities to something other than a center. He gave an example of money given to the larger institutions in the state, the Vo-Techs were inadvertently left out until the Board of Regents included them. This bill would change the name from Vocational Technical Centers to Technical Institutes. To keep from going through every section of the code to change the name, there is a coordinating instruction in the new section of the code, asking the code commissioner to take the name Vocational Technical Center wherever it appears and replace it with the name Technical Institute. He said this bill did not cost money and might save some money.

Proponents' Testimony:

Dr. Brady Vardemann, Associate Commissioner for Technical Education with the Montana University System gave written testimony. (Exhibit #1 and Exhibit #2)

Alex Capdeville, Director Helena Vocational Center said they get a lot of students, especially in the aeronautics program who will work in Atlanta or Seattle and they get calls asking if they are part of a High School. He referred to Donaldson's HB 18 which

failed and later HB 39 which changed the governance of the vo-tech centers. In the original bill "Technical Institutes" was in the bill, it was overlooked in HB 39 and because passage was marginal, they did not want to amend it.

Dennis Lerum, Missoula Vo-Tech Center concurred in the testimony given.

Jim Fitzpatrick, Executive Director, Montana Council on Vocational Education gave written testimony. (Exhibit #3)

**Opponents' Testimony:**

None.

**Informational Testimony:**

None.

**Questions From Committee Members and Responses:**

Senator Yellowtail asked Dr. Vardemann about her comment in regard to turning the Vo-Tech Centers into colleges. He noted only three states that call them Technical Institutes, and if we change the name to Technical Institute we will again be changing the name to Technical Colleges in a few years. He asked what the implication would be in Montana if we did this now. Dr. Vardemann pointed out that many important leaps have been made in the University System and two years ago the Board of Regents did a policy which allows the Technical Centers in appropriate disciplines to grant the Associate of Applied Science Degree. She said they believe this is the most appropriate move at this point in time in terms of these institutions evolution as postsecondary higher education entities. At the present time she felt to designate them as technical colleges would be premature. The Regents have endorsed the concept that we do an interim study after the session is over. It would be a study of two year institutions plus secondary institutions, which would roll the community colleges as well into the study and take a look at those unique institutions, what their impact in effect and their future should be in regard to Montana. She did not believe, that within the University System there would be broad support for changing the name to Technical Colleges at this time. They believe it necessary to have solidification for some of the faculty qualifications across the board generally in the five institutions. She felt this bill would be broadly accepted, do what they need to have done now, and felt it was highly possible that in the future they might ask for another name change when it is appropriate to do so.

Senator Yellowtail said we would then have to straighten out the instructors qualifications, establish some minimum degree, and said if we were to "knight" these institutions with the name "college", or what are they "shooting for". Dr. Vardemann said

the reason she mentioned the AAS degree first is because it is an important piece of that. We have achieved that, but we have adopted Montana criteria which is consistent with National criteria for the AAS degree and that calls for a discreet body, a portion of each of those degrees, 12 to 15 semester hours, in general and related instruction. It is in that area, not in the area of technical competence that we have enormously competent faculty. It is in the area of general education where we do not, across the board, have a person teaching English and having a masters degree in the field. As we have opportunities, we will be beefing up that related and general education component of the staff so that English Composition taught at Gt. Falls Vo-Tech will transfer as an equivalent course as English Composition in a lower division somewhere else in the University System and those students don't have to repeat course work.

Senator Fritz told Senator Towe he had indicated no cost, but there are green directional signs on the highway and signs on buildings, etc. which would cost money. Sen. Towe agreed there were some costs connected in the signs, stationary, name changes on the buildings etc. He felt it is well worth it.

**Closing by Sponsor:**

Senator Towe said the reality of Senator Yellowtail's question on name change is that at a time when the people of Montana are clamoring for doing something about having too many colleges in the six unit University System and the Governor is suggesting combining institutions, the last thing we want to do is come to the Legislature and create five more colleges.

**EXECUTIVE ACTION ON SENATE BILL 20**

**Motion:** Senator Waterman MOVED SENATE BILL 20 DO PASS.

**Discussion:** Senator Yellowtail said he still preferred to make one name change and call the Vo-Tech Centers Technical Colleges since the ultimate aim is to have transferable credits etc. We will have to change the name later, and felt the bill should be amended to Technical Colleges and have it done.

Senator Blaylock said he felt what Senator Yellowtail was alluding to in the future, some day down the road there will probably be a move to change them and call them colleges. He felt Sen. Towe did have a point since if you threw in the seven Tribal Colleges, people could scream that we have 19 colleges in Montana. He felt this would be used and is used now on the University System, and as a political matter could very well be used against the system.

Senator Stang said he tended to agree with Senator Yellowtail. If we are not at that point now, no matter how trivial the expense, this seems like a frivolous bill to run through when in

a few years we will do all this again. At this point in time if the cost is \$500 and people see it as money thrown away, he could see it as a poor move.

Senator Waterman said probably before we finish this session there may be a proposal to change the names of the schools and will probably have something to do with Western Montana Technical Institute at Billings. When the state took these over there was real concern that we were going to create five more colleges. She said she would support turning them into Technical Colleges, but felt it would kill the bill at the present time.

Senator Nathe, who had been excused on other bill hearings, came into the committee at this point.

Senator Fritz asked about "others" on exhibit 2 and Dr. Vardemann said several states that place their occupational two year programs under their University System. She gave the example of the University of Hawaii, Laylock College. The University of Idaho throws those programs in different ways through their system. They have one free standing technical institute and the others are part of either their Community College or Idaho State University. Alaska is similar to Hawaii, the two year occupational institutions are the University of Alaska aegis.

Senator Fritz said there are other proposals in reorganizing the University System by merging institutions and changing names and thought perhaps this bill is a bit premature.

Senator Nathe noted that in the state of North Dakota their vocational education two year school near Williston was changed several years ago and are now called UND Center which is the University of North Dakota Center at Williston, N.D., rather than a vo-tech center.

Mr. Capdeville said he had worked for the State Board of North Dakota before coming here, and the Centers in N. D. are run by the Secondary Board and are a part of the Consolidated School Districts. The UND Williston campus is part of the University System, but are all on the same campus.

Dr. Vardemann mentioned that someone asked why it made a difference if there is an interim time before we make the change again or there is some reorganization on the horizon and we do not know how it will turn out. Even with reorganization and these institutions are placed under the aegis of a senior level institution or merged with a community college, to make this change would not alter our ability to do that. She said the difference is that there have been several applications for Title III and other grant monies which have been put on back burners or refused because the reader did not understand what we were. When we ask for comments, frequently they ask what a center is and if it is connected to a High School. Senator Brown suggested an explanation in the application that this is not a High School.

Dr. Vardemann said it has been spelled out that this is a postsecondary institution, and one center may have received the money and another not received it with the same phraseology.

**Vote:** The motion to do pass SB 20 PASSED by Roll Call Vote. (6 members voting AYE, 4 voting NO)



ADJOURNMENT

Adjournment: 2:20 p.m.

  
\_\_\_\_\_  
SENATOR CHET BLAYLOCK, Chair

  
\_\_\_\_\_  
SYLVIA KINSEY, Secretary

CB/sk

# ROLL CALL

SENATE COMMITTEE

### EDUCATION

DATE 1/6/93

[illegible]

F08

Attach to each day's minutes

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
January 6, 1993

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration Senate Bill No. 20 (first reading copy -- white), respectfully report that Senate Bill No. 20 do pass.

Signed: Chet Blaylock  
Chet Blaylock, Chair

Testimony as proponent of SB 20

January 6, 1992

Senate Education Committee

SENATE EDUCATION

EXHIBIT NO. 1

DATE 1/6/93

S.B. NO. 20

Mister Chairman and Members of the Committee: For the record, my name is Brady Vardemann. I am the Associate Commissioner for Technical Education, Montana University System.

The Board of Regents and the Commissioner of Higher Education rise in strong support of Senator Towe's bill which would change the name of the vocational technical centers to TECHNICAL INSTITUTES. This change is also broadly supported by the Directors and the faculty of the five vocational technical centers. This proposal was endorsed by the Board of Regents on December 11, 1992, and is the result (in part) of national survey data which reflect an almost universal trend in states to designate their two-year postsecondary occupational institutions either as TECHNICAL INSTITUTES or TECHNICAL COLLEGES. I have brought with me today a matrix which depicts a state-by-state analysis of the designation given these institutions in all of the fifty states. On a national level, only Montana uses the name of "Center" for its two year postsecondary occupational institutions.

But the basic rationale for proposing a name change is not rooted in a felt need to necessarily "be like" the other states. Rather, this recommendation is a result of our very great attempt over the past five years to do exactly what the 1987 Legislative Assembly asked us to do --- to build a cohesive, efficient system

of two-year, technical education institutions logically bound together by a common role and mission.

In doing this, we have very often encountered the question of the appropriateness of the actual name by which these institutions are now known in Montana. The term "Center" is confusing to external agencies with which we work, in that it is not one generally used in postsecondary education to designate whole institutions. This confusion has led, in fact, to a specific recommendation by our regional accrediting body (the Commission on Colleges of the Northwest Association of Schools and Colleges) that another name for these institutions be adopted which is more "reflective of their postsecondary nature."

Changing the name from vocational technical center to TECHNICAL INSTITUTE simply allows these institutions to be better symbolized as institutions which represent one vital component of a modern, progressive postsecondary system of education in Montana. It does not change the mission, role and scope, or function of these institutions. It does not change their purpose or the kind of programs they will offer. It does not alter their governance in any way. It does not turn them into colleges. It does allow them to be seen by the citizens of Montana, by the larger higher education communities of this and other states, and by the students they serve in a clearer, better defined way as part of adult, postsecondary education.

We urge your support of SB 20.

Montana Postsecondary Technical Education Survey  
Institutional Titles

EDUCATION  
SERIAL 2  
EXHIBIT NO. 2  
DATE 1/6/93  
BILL NO. 822

<u>STATE</u>	<u>VO-TECH CENTER</u>	<u>TECHNICAL INSTITUTE</u>	<u>TECHNICAL COLLEGE</u>	<u>COMMUNITY COLLEGE</u>	<u>OTHER</u>
Alabama			X		
Alaska					X
Arizona				X	
Arkansas				X	
California				X	
Colorado				X	
Connecticut			X		
Delaware			X		
D. C.		(None at Two-Year Level)			
Florida				X	
Georgia		X			
Hawaii					X
Idaho					X
Illinois				X	
Indiana			X		
Iowa			X		
Kansas				X	
Kentucky				X	
Louisiana				X	
Maine			X		
Maryland				X	
Massachusetts			X		
Michigan				X	
Minnesota			X		
Mississippi				X	
Missouri				X	
Montana	X				
Nebraska			X		
Nevada				X	
New Hampshire			X		
New Jersey				X	
New Mexico		X			
New York			X	X	
North Carolina			X		
North Dakota				X	
Ohio			X		
Oklahoma				X	
Oregon				X	
Pennsylvania				X	
Rhode Island				X	
South Carolina			X		
South Dakota		X			
Tennessee			X		
Texas			X	X	
Utah				X	
Vermont			X		
Virginia				X	
Washington			X	X	
West Virginia				X	
Wisconsin			X		
Wyoming				X	

# MONTANA COUNCIL ON VOCATIONAL EDUCATION



EXECUTIVE MANAGEMENT BUILDING

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JAMES W. FITZPATRICK  
EXECUTIVE DIRECTOR

SENATE EDUCATION

EXHIBIT NO. 3

DATE 1/6/93

§ BILL NO. 20

January 6, 1993

TO: Senator Chet Blaylock  
Chairman  
Education and Cultural Resources Committee

FROM: Jim Fitzpatrick, Executive Director  
Montana Council on Vocational Education

The Montana Council on Vocational Education provides this testimony in support of Senate Bill 20 relative to name changes for Montana's five vocational technical centers.

In formulating a response, the Council reviewed the paper titled, "Montana Vocational Technical Centers, a Postsecondary System in Transition" (prepared by the Office of the Commissioner of Higher Education), reviewed current literature, and consulted with other State Councils on Vocational Education. As a result of the Council's efforts, it became evident that the term "vocational" has been replaced in some states, particularly at the postsecondary level, and the term "center" is often used to designate secondary vocational education systems. The Council also learned:

- the U.S. Office of Education added "technical" to the name for the Division of Vocational Education in 1988;
- 15 states changed the name of their vocational education system during the past 3 years;
- the most common name change in the 15 states was "career" or "technical" to replace or modify vocational education;
- the Carl Perkins Act Amendments of 1990 linked vocational education with applied technology which has resulted in establishing a trend for name changes; and
- accreditation review teams have recommended a name change of the Centers to enhance postsecondary status.

Further, the Council recommends, pending approval of a name change, that the Board of Regents and the Centers initiate a concerted effort to promote and assure continued articulation, programming, and cooperation between secondary and postsecondary vocational technical education.

Thank you for the opportunity to address this issue.

NAME Terry M. Mow

ADDRESS \_\_\_\_\_

HOME PHONE \_\_\_\_\_ WORK PHONE 442-2123

WORK PHONE 442-2123

REPRESENTING MT Federation of Teachers

APPEARING ON WHICH PROPOSAL? SB 22

DO YOU:    SUPPORT    ~~OPPOSE~~    AMEND

SUPPORT ☒

OPPOSE

AMEND

COMMENTS:

## WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



DATE January 6, 1993  
 SENATE COMMITTEE ON Education & Cultural  
 BILLS BEING HEARD TODAY: SB 20 and SB 22

Name	Representing	Bill No.	Check One	
			Support	Oppose
Heidi Hertel				
Brady Vandemann	MMS/OCHE	SB 20	✓	
Dennis Lerum	Mt. Le Tech	SB 20	✓	
Alii Capricelli	Heleni Utech OHE	SB 20	✓	
Jim Fitzpatrick	MT Council on Vo-ED	SB 20	✓	
Don Waldron	MREA	SB 22		✓
Jane Karas	MT Univs Sys	SB 20		
Dennis K. Porter	MT University System	SB 20		
Phil Campbell	MREA	SB 22	✓	
Bruce W. Myers	MSBA	SB 22		✓
Greg Ehlert	MT Demo Party			
Terrell Mowbray	MT Ed. of Teachers	SB 22		
Lois Traylor	SAM	SB 22		

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

F10 Dennis Lerum, Du Mesa Vo Tech

MONTANA RURAL EDUCATION ASSOCIATION

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SENATE EDUCATION

EXHIBIT NO. 2

DATE 3-17-93

H BILL NO. 202

TESTIMONY ON HOUSE BILL 202

Donald R. Waldron, Lobbyist

The Montana Rural Education Association feels that House Bill 202 was introduced by Representative Kadas to solve a problem in school general accounting practices bringing the law in line with GAAP. We are in strong support of the intention of the bill and support 48 pages of the 50 page bill.

Our concern with the bill are the amendments added by the House Education Committee. They struck lines 24 and 25 on page 1 and lines 1 and 2 on page 2. On page 4 at line 4 they added a new Section (13) which continues through line 9. It reads as follows:

(13) "School attendance center" means a location, identified by a school district, where students are provided on instructional program under the administration of a school or school district. A school attendance center must be located within the boundaries of the school district that establishes the center.

We cannot see the need for this language being added. This definition is not indicated in the title of the bill. We