

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON EDUCATION & CULTURAL RESOURCES**

**Call to Order:** By Rep. H.S. "Sonny" Hanson, Chair, on February 3, 1993, at 3:00 p.m.

#### **ROLL CALL**

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

Rep. Sonny Hanson, Chair (R)  
Rep. Alvin Ellis, Vice Chair (R)  
Rep. Ray Brandewie (R)  
Rep. Fritz Daily (D)  
Rep. Ervin Davis (D)  
Rep. Ed Dolezal (D)  
Rep. Jack Herron (R)  
Rep. Bea McCarthy (D)  
Rep. Scott McCulloch (D)  
Rep. Norm Mills (R)  
Rep. Bill Rehbein (R)  
Rep. Sam Rose (R)  
Rep. Dick Simpkins (R)  
Rep. Wilbur Spring (R)  
Rep. Norm Wallin (R)  
Rep. Diana Wyatt, Vice Chair (D)

**Members Excused:** Rep. Harrington and Rep. Gervais

**Members Absent:** None

**Staff Present:** Andrea Merrill, Legislative Council  
Susan Lenard, Committee Secretary

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

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

Hearing: HB 376, HB 384, SB 61, SB 99  
Executive Action: SB 61, SB 99, HB 276, HB 202

#### **HEARING ON HB 376**

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

**REP. DAVIS, House District 53, Lake County,** remarked HB 376 would give school districts the authority to transfer money not part of the foundation program of their original tax base.

**Proponents' Testimony:**

**Bruce Moerer, Montana School Boards Association**, stood in support of the bill. He explained HB 376 was designed to address a particular problem that arose in the western part of the state. It was noted some school districts had relied on the ability to transfer general fund money into their debt service fund to pay off bond issues. House bill 376 is an attempt to address this situation.

**Dave Mutter, Superintendent of St. Ignatius School District**, explained his community has experienced an 11% student growth rate this year. He said that with the current rate of growth and \$60,000 per year debt payments existing on their old school buildings, a \$50 million approved mill levy would be needed to finance the building of a new school. **Mr. Mutter** asserted it is very important for the district to service their debt without putting an extreme tax levy on the people of the district. He suggested schools need this opportunity to build new classrooms if the state cannot meet its financial responsibility and be accountable to the equalization for building debt and construction. **Mr. Mutter** remarked that HB 376 is an opportunity to get through the transitional period between the present and such a time when the state will have an equalization plan in place. He asked the committee to give favorable consideration to HB 376.

**Gayle Crane, Superintendent of Arlee Public Schools**, remarked that her school district has transferred from the general fund into debt service in the past. She noted this was done because Arlee is an impact school and their GTB and foundation funds were not great enough to meet additional educational programs for students in need. Arlee school adds considerably to its budget with impact aid. **Ms. Crane** stated the school presently needs to transfer PL-874 money into the building fund or into debt service in order to pay for necessary renovations.

**Steve Gaub, Superintendent of Charlo Public Schools**, stated with a 21% growth, old buildings, and the ability to levy only a maximum of \$500,000, Charlo is not able to build a new school. Suggesting SB 32 will not pass because of its high price tag, he asked the committee to give favorable consideration to HB 376. **Mr. Gaub** asserted the bill would allow districts some flexibility when considering necessary building projects.

**Don Waldron, Montana Rural Education Association**, commented on the part of the bill which would allow the transfer of money into the building reserve fund. He explained a building reserve fund must be voted on by the public, and on whether the money can be used for that purpose and that purpose only. He suggested HB 376 would help school business managers to better manage district funds. He urged the committee to support the bill.

**Lynda Brannon, Indian Impacted Schools**, asked to go on record in favor of HB 376.

**Joyce Decker Wegner, Lake County Superintendent of Schools**, provided written testimony from herself and a packet containing information related to the 1992 Lake County Impact Aid to schools controversy. **EXHIBITS 1 and 2**

**Loran Frazier, School Administrators of Montana**, asked to go on record in support of HB 376 for many of the same reasons that SAM stood in support of HB 105. He remarked on the need for capital outlay to service this area.

**Opponents' Testimony:** None.

**Questions From Committee Members and Responses:**

**REP. SIMPKINS** asked **Gayle Crane** if her schools were at the 135% or the 140% level. **Ms. Crane** replied that they were at the 135% level. **REP. SIMPKINS** asked if any of the money to which she referred is being used as part of the permissive levy to leverage guaranteed tax base and would be eligible for transfer to the debt service account. **Ms. Crane** explained that some of the money is used against the permissive. She remarked that when her school adds money from the PL-874 portion of the reserve, it is money which has accumulated. She explained it is used because students at Arlee need additional educational programs. **Ms. Crane** reported that their facilities experience a greater than normal duress. She said the needs of her school far outweigh the income derived from voted levies. **Ms. Crane** explained any money put into the fund would be money left over after the use of GTB or foundation, i.e., it would be PL-874 money.

**REP. DAILY** asked what percentage of the budget is PL-874 money. **Ms. Crane** replied it was about 20% to 25%. **REP. DAILY** asked if, under this bill, a district could transfer unused PL-874 money into debt service. **Ms. Crane** replied that money cannot be transferred from the reserves into debt service. **REP. DAILY** asked if the bill would allow PL-874 money to be put into debt service. **Ms. Crane** said that HB 376 would allow money from the reserves to be put into the general fund to allow for its transferral into debt service.

**REP. SIMPKINS** noted, for clarification, that schools are possibly moving money into the general fund to leverage it with GTB, and then later on, transferring it into the debt service. **Ms. Crane** responded that she looked at HB 376 as allowing for prudent management. She stressed that money left at the end of the year should be used for a more fiscally beneficial purpose than simply spending it.

**REP. MILLS** asked how much money can be transferred. **Ms. Crane** replied that last year her district was able to save \$80,000.

**REP. MILLS** asked how much PL-874 money Arlee receives annually.

**Ms. Crane** said her district receives about \$200,000 annually. The question was then asked how much she anticipated a new high school would cost if the bonding capacity was very limited. **Ms. Crane** responded they were not anticipating building a new high school. She commented improvements were needed on their existing library.

**REP. SPRING** asked if, considering such low tax base, schools in the past have been able to construct any new buildings. **Ms. Crane** replied the newest building is ten years old. **REP. SPRING** asked if school districts have been relying on PL-874 money for construction projects. **Ms. Crane** commented they were relying on the transfer of PL-874 money into the general fund in order to increase the debt service amount.

**REP. BRANDEWIE** asked how much of the taxable value of the property in a district is not taxed. **Ms. Crane** remarked a large portion of the district is comprised of tribal private trust or property that is federally connected in some way. She explained a very small portion of the district contains private property and thus accounts for very few taxpayers.

**REP. BRANDEWIE** asked for information on the overall situation regarding taxable land in Lake County. **Joyce Decker Wegner** said four of the five high school districts utilize their PL-874 money to pay off debt service. She stated the Polson district does not do so as it was not included in the request to the attorney general regarding transfer allowance. She stressed that school districts have been transferring money for years. A trustee's report very clearly identified the transfers were being made from the general fund into debt service. These districts' taxpayers have been using PL-874 funds to pay for capital improvements and have had the stipulation clearly identified in their budgets. When the law regarding transfers was changed, these districts were not aware of the manner in which it would affect them until it was clarified by the attorney general. The attorney general found they could no longer make those transfers. Subsequently, the districts put the money under consideration right into debt service instead of making the transfer to the general fund. It is the attorney general's opinion they do not owe the state any GTB reparation money because they were never using the state GTB money to pay for their debt service. **REP. BRANDEWIE** remarked that less than 17% of Lake County is privately owned and taxable.

**Closing by Sponsor:**

**REP. DAVIS** thanked the committee for the hearing and reported that a fiscal note had been requested. He said he may reduce the amounts involved by amending the bill to address the concerns of those who testified.

HEARING ON SB 99

Opening Statement by Sponsor:

SENATOR LYNCH, Senate District 35, Butte, said SB 99 is needed to clean up present statute language to address the fact the universities in the state are now operating under a semester system.

Proponents' Testimony:

John Malee, Montana Federation of Teachers, asked to go on record in support of SB 99.

Opponents' Testimony: None.

Questions From Committee Members and Responses: None.

Closing by Sponsor: SEN. LYNCH closed the hearing on SB 99.

EXECUTIVE ACTION ON SB 99

Motion/Vote: REP. MCCARTHY MOVED SB 99 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON HB 276

Motion/Vote: REP. MCCARTHY MOVED HB 276 DO PASS. Motion carried unanimously.

HEARING ON SB 61

Opening Statement by Sponsor:

SENATOR STANG, Senate District 26, St. Regis explained SB 61 clarifies present language dealing with curriculum requirements at youth correctional facilities. He commented the Department of Family Services was concerned with a program offered at the correctional facilities they believed was in violation of the accreditation standards. Senate bill 61 would update existing programs in order to ensure they are in accordance with the standards.

Proponents' Testimony:

Al Davis, Administrator of the Juvenile Corrections Division, remarked that SB 61 helps to clarify language and confusion relative to existing statutes. The existing law requires

correctional facilities to "include such academic and vocational subjects as are taught in the public schools of the state..." **Mr. Davis** remarked his division recognizes more flexibility is needed to create academic vocational programs which address the needs of youths in the facilities. He stressed most of the students at Pine Hills and Mountain View Schools have either been kicked out of school, dropped out of school, or are a number of grade level years behind in their school programs. He suggested students in those two facilities are the ones most qualified to be considered for alternative school programs. The passage of the bill will allow the academic programs at the facility schools to continue pretty much in their present form. **Mr. Davis** explained it is difficult to distinguish between other alternative school programs and those presently in existence at the facilities. He stressed the passage of the bill would clarify language in the present law. It would state youth correctional facilities have the same opportunities as the public schools in Montana to consider alternative school programs. **Mr. Davis** asserted SB 61 would have only positive impact on the ability of individuals to transfer credits from correctional facilities to public schools upon departure. He said it does not freely give the correctional facilities the opportunity to present their curriculums as they so desire. Any alteration in school curriculum would require the submission of such a request to the Office of Public Instruction for approval. Written testimony was provided. **EXHIBIT 3**

Opponents' Testimony: None.

Questions From Committee Members and Responses:

**REP. BRANDEWIE** asked **SEN. STANG** if the bill requires a fiscal note. **SEN. STANG** said he saw little need for one as the bill does not require anything that is not done presently. **REP. BRANDEWIE** asked if it would cost the facilities more to comply with the law if they are not presently upholding the accreditation standards. **SEN. STANG** replied that current accreditation standards are being followed. He noted the facilities are offering alternative programs, but because of the way the present law is written, these alternative programs are prohibited from being taught. He stressed these programs do meet accreditation standards.

**REP. MILLS** asked what is being performed under the current law and what SB 61 would do that isn't being done already. **SEN. STANG** commented it could prevent a potential lawsuit from being filed. He suggested a lawsuit could be founded on the argument that an adequate education is not being provided at these correctional facilities. The argument could hold some validity considering the existing language of present laws. **SEN. STANG** asked **Mr. Davis** to reply. **Mr. Davis** said if correctional facilities are truly going to address the needs of the types of adolescents at the facilities, then the manner in which the instruction is provided needs to be examined very closely. He explained it is important to be able to look at different ways of providing academic and vocational instruction to meet the needs of each school. **REP.**

**MILLS** asked for clarification on what will be taught differently at these facilities that is not taught at public schools. **Mr. Davis** replied it was the manner in which the instruction is provided.

**REP. SPRING** asked for the status of the need in youth correctional facilities across the state. **Mr. Davis** reported the need has continually risen over the past twenty years.

Closing by Sponsor:

**SEN. STANG** stated SB 61 was amended to bring the people from Mountain View and Pine Hills Schools into agreement. He stressed the need for program review and suggested the transition between correctional facility schools and public schools will be made easier with the passage of the bill.

HEARING ON HB 384

Opening Statement by Sponsor:

**REP. SIMPKINS**, House District 39, Great Falls, commented present law regarding the subject of HB 384 is open-ended. It states the Board of Public Education has to submit paperwork to the legislature but does not say what will result if the legislature does not take action. **REP. SIMPKINS** said during July following the legislative session the Board voted to implement rules. He stated the present law is contradictory. If there is a sufficient fiscal impact and the legislature does not take action the Board can implement the rule anyway. **REP. SIMPKINS** stated this situation became evident with the procedures that followed the accreditation standards for Project Excellence. **REP. SIMPKINS** stressed HB 384 states the Board cannot enact rules with substantial financial impact without the agreement of the legislature. It does not limit the Board's hearing proceedings. Substantial financial impact is defined as "an amount that cannot be absorbed in the budget of an existing school district program." He suggested the problem with the lawsuit is founded on the difference between a broad and a narrow interpretation of the law. **REP. SIMPKINS** explained the legislature passed a bill which said a school "may" establish a talented and gifted program. The State Board of Public Education adopted their accreditation standards such that a school district "shall" establish such a program. The legislature asked the Board to change their rule, but the Board refused. He stressed the rules promulgated by the Board of Public Education were established under the Administrative Code Procedures and not under the constitution. **REP. SIMPKINS** noted the Board's decision effectively nullified a law passed by the legislature. He asked if the Board of Public Education can pass a rule contrary to law. He said this question has not been properly addressed. **REP. SIMPKINS** suggested the law should be in proper shape to correctly address the issue. It must state that the Board must notify the legislature if a substantial

financial impact will result from a rule they wish to enact. He stressed the final question is whether it is a rule or a law that takes precedence.

Proponents' Testimony:

Don Waldron, Montana Rural Education Association, said the Board of Public Education has become more cooperative over the years with regard to the hearing process. He stressed schools should not be the pawns in the fight between the legislature and the Board. Mr. Waldron explained MREA supports HB 384 for the sake of the schools.

Opponents' Testimony:

Wayne Buchanan, Board of Public Education, remarked the State Board of Public Education would like to go on record in opposition to HB 384.

Questions From Committee Members and Responses:

REP. MCCULLOCH asked the sponsor if he anticipates the Board establishing any new rules that will require additional funding. REP. SIMPKINS replied did not know. REP. MCCULLOCH remarked that HB 384 and HB 324 are very similar. He asked if it was likely a lawsuit would result on the passage of this bill. He suggested it would save a great deal of taxpayer money to pass HB 324 instead. REP. SIMPKINS said the present Board is trying to work with the legislature and he believed the passage of HB 384 would not result in a lawsuit. REP. SIMPKINS stressed the present law is not only open-ended, it is also not correct.

REP. MCCULLOCH asked Mr. Buchanan if he felt the bill would result in a lawsuit if passed. Mr. Buchanan replied that he could not speak for the Board, but said it is almost certain that a lawsuit would follow.

REP. BRANDEWIE asked if the Board would be precluded from challenging this bill some time in the future if they chose not to do it now. Mr. Buchanan responded it would not.

Closing by Sponsor:

REP. SIMPKINS commented HB 384 deals with allowing laws to do what they are intended to do. He stressed the Board would retain its rulemaking authority. All the Board would be required to do is verify the proposed rule would have a significant financial impact. REP. SIMPKINS reminded the committee it was the Board of Public Education who determined Project Excellence had a significant fiscal impact, not the legislature. He suggested the whole process would be improved if the legislature was notified of the fiscal impact. This would allow the Legislative Fiscal Analyst office the opportunity to assess the accuracy of the impact of the proposed rule.



EXECUTIVE ACTION ON SB 61

Motion/Vote: REP. MCCARTHY MOVED SB 61 BE CONCURRED IN. Motion carried unanimously.

EXECUTIVE ACTION ON HB 202

Motion: REP. BRANDEWIE MOVED HB 202 DO PASS.

Motion: REP. BRANDEWIE moved to amend HB 202.

Discussion:

REP. SIMPKINS asked Andrea Merrill to describe the amendments. Ms. Merrill stated the amendment that would appear on page 49 is the most important. She said this would coordinate HB 202 with HB 210, with the understanding that HB 210 would prevail if both bills were to pass. She explained that this amendment tightens the language contained within REP. PECK's bill, HB 210, and precludes a conflict from occurring should both HB 202 and HB 210 pass.

REP. HANSON remarked the basic difference between HB 210 and HB 202 is that HB 202 states "attendance center" and HB 210 states "school attendance center." He noted everything else is the same except HB 210 contains an additional sentence which reads that "a school attendance center must be located within the boundaries of a school district."

REP. MCCARTHY explained the bill would legitimize the attorney general's opinion and would make "attendance center" a component of law.

REP. BRANDEWIE asked if the definition of attendance center is contained within HB 210. REP. HANSON replied it was. He said if HB 210 is defeated and HB 202 passes and becomes law, the definition of attendance center is such that the center does not have to be located within district boundaries.

REP. SIMPKINS asked what the ramifications are for amending the definition from HB 210 into HB 202. Ms. Merrill replied that if HB 210 does not pass, the whole concept of an attendance center will cease to exist. Section 1 would be removed if HB 202 is passed and approved. She said the idea is to secure the passage of HB 210, since it is a more comprehensive bill.

REP. SIMPKINS remarked he does not want authorization of attendance centers unless HB 210 passes.

REP. DOLEZAL said the whole intent of the amendment is to preserve the definition of attendance center in HB 210. He suggested delaying executive action until the amendments can be clarified.

REP. MCCULLOCH suggested a coordinating clause should be considered.

REP. HANSON stressed if HB 202 is passed and does not contain a definition for an attendance center, then the Office of Public Instruction would be able to pay any amount desired under any condition desired.

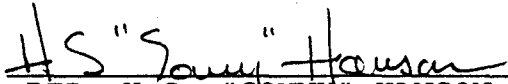
REP. BRANDEWIE remarked he understood the committee's wish not to have attendance centers if it was not stipulated they were required to exist within the same school district as the schools they serve. He suggested lines 24 and 25, page one, and lines one and two, page two could be amended out of HB 202. He said this would assure that "attendance center" would not exist except as defined by HB 210.

REP. MCCARTHY observed that the committee did not want to table this bill and revert back to the attorney general's opinion. She requested Ms. Merrill look at the two bills and come up with amendments which would satisfy the wishes of the committee. Ms. Merrill affirmed the language contained within HB 210 could be amended into HB 202.

Vote: EXECUTIVE ACTION ON HB 202 WAS DEFERRED.

ADJOURNMENT

Adjournment: 4:37 p.m.

  
REP. H.S. "SONNY" HANSON, Chair

  
SUSAN LENARD, Secretary

HSH/SL

# HOUSE OF REPRESENTATIVES

## Education and Cultural Resources COMMITTEE

ROLL CALL

DATE

2/3/93

| NAME                          | PRESENT | ABSENT | EXCUSED |
|-------------------------------|---------|--------|---------|
| REP. SONNY HANSON , CHAIR     | ✓       |        |         |
| REP. ALVIN ELLIS , VICE-CHAIR | ✓       |        |         |
| REP. DIANA WYATT , VICE-CHAIR | ✓       |        |         |
| REP. RAY BRANDEWIE            | ✓       |        |         |
| REP. FRITZ DAILY              | ✓       |        |         |
| REP. ERVIN DAVIS              | ✓       |        |         |
| REP. ED DOLEZAL               | ✓       |        |         |
| REP. DAN HARRINGTON           |         | ✓      |         |
| REP. JACK HERRON              | ✓       |        |         |
| REP. BOB GERVAIS              |         | ✓      |         |
| REP. BEA MCCARTHY             | ✓       |        |         |
| REP. SCOTT MCCULLOCH          | ✓       |        |         |
| REP. NORM MILLS               | ✓       |        |         |
| REP. BILL REHBEIN             | ✓       |        |         |
| REP. SAM ROSE                 | ✓       |        |         |
| REP. DICK SIMPKINS            | ✓       |        |         |
| REP. WILBUR SPRING            | ✓       |        |         |
| REP. NORM WALLIN              | ✓       |        |         |
|                               |         |        |         |
|                               |         |        |         |
|                               |         |        |         |

HOUSE STANDING COMMITTEE REPORT

February 4, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that Senate Bill 61 (third reading copy -- blue) be concurred in .

Signed: Sonny Hanson  
Sonny Hanson, Chair

Carried by: Rep. Spring

Committee Vote:  
Yes ☐ , No ☐ .

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HOUSE STANDING COMMITTEE REPORT

February 4, 1993

Page 1 of 1

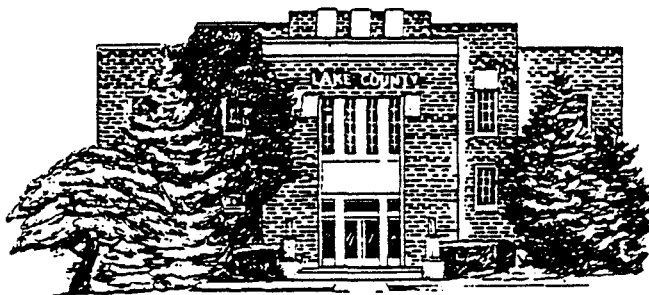
Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 276 (first reading copy -- white) do pass.

Signed: \_\_\_\_\_  
Sonny Hanson, Chair

Committee Vote:  
Yes \_\_\_\_\_, No \_\_\_\_\_.

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COUNTY COMMISSIONERS  
MIKE W. HUTCHIN  
District One  
RAY HARBIN  
District Two  
GERALD L. NEWGARD  
District Three  
TREASURER  
PATRICIA J. COOK  
CLERK AND RECORDER  
SURVEYOR  
RUTH E. HODGES



ASSESSOR  
LENORE A. ROAT  
SHERIFF AND CORONER  
JOE GELDORICH  
CLERK OF COURT  
KATHERINE E. PEDERSEN  
SUPERINTENDENT OF SCHOOLS  
JOYCE DECKER WEGNER  
COUNTY ATTORNEY  
LARRY J. NISTLER  
JUSTICE OF THE PEACE  
CHUCK WHITSON

# LAKE COUNTY

PHONE 406/883-6211 • 106 FOURTH AVENUE EAST • POLSON, MONTANA 59860

February 3, 1993

EXHIBIT 1  
DATE 2/3/93  
HB 376

HONORABLE LEGISLATORS OF THE HOUSE EDUCATION AND CULTURAL RESOURCES  
COMMITTEE  
REPRESENTATIVE DAVIS

I, Joyce Decker Wegner, Lake County Supt. of Schools, wish to commend Ervin Davis for addressing the needs of his constituents by introducing HB376 authorizing school districts to transfer money that is not part of the foundation program or GTB from the General Fund to Debt Service or Building Funds.

Representative Davis has addressed a complex funding issue that plagues our districts and many school districts of Montana. At the core of the funding dilemma, lies the basic controversy of equalization itself. The "Underfunded Lawsuit" has been heard and we all await the court's decision. You as legislators must solve the equity issue while dealing with an immense state deficit. The challenge is great--and you must act soon or you cripple the ability of schools to safely and adequately house their students.

Last year four Lake County school districts were traumatized by the dilemma of paying their debt service without the ability to levy, the loss of the legal means of transferring from the general fund their traditional source, and grave threats to future PL 874 funds if used in capitol improvement. Then Attorney General, Marc Racicot, found that FY 1990-1991 transfers from the general fund to the debt service fund, but that they did not owe the State of Montana refunds on GTB monies because the monies transferred were in reality PL874 monies. The districts complied with the new law throughout last year and this year by directly depositing PL874 funds into debt service. Future funding of PL874 is threatened by continued use in debt service.

My support of HB376 is tempered with concerns:

- a. It is perhaps a temporary solution for a few schools to a greater problem.
- b. It muddies accounting in funds clearly identified for



OFFICE OF PUBLIC INSTRUCTION

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

Nancy Keenan  
Superintendent

November 15, 1991

EXHIBIT 2  
DATE 2/3/93  
SB HB 376

Richard Mutterer, Superintendent  
St. Ignatius Public Schools  
P.O. Box 400  
St. Ignatius, MT 59865

Dear Richard:

Our office recently completed our review of your district Trustees' Financial Summary for FY 1990-91. Based on our review, it appears your district budgeted for your 1990-91 bond principal and interest payments in the General Fund and transferred that amount to a Debt Service Fund for disbursement.

We know of no statute which allows transfers from the General Fund to the Debt Service Fund. Section 20-9-401 and 20-9-440, MCA, require you levy separately to fund the debt service, while 20-9-344 MCA seems to make it clear that equalization money (foundation and GTB) cannot be used for debt service. If you have some other statutory authority for making this transfer which we have overlooked, we would like to consider that before we arrive at a final decision.

Because the transfer for debt service was included in your General Fund budget, State Guaranteed Tax Base (GTB) aid is funding part of the debt service transfer. That does not appear allowable under 20-9-344 MCA. In addition, had the transfer for debt service not been included in your General Fund budget, the amount of State Guaranteed Tax Base (GTB) aid calculated for your district during 1990-91 would have been significantly less. Accordingly, we feel it is important to determine the propriety of this transfer and have requested the opinion of our legal counsel.

If our attorney concludes the transfer of revenues from the General Fund to a Debt Service Fund was not authorized by statute, we will have no choice but to recover, throughout the remaining months of this fiscal year at least \$26,550 of GTB aid paid to the elementary district and \$10,514 of GTB aid paid to the high school district during 1990-91. #28

Please note: This complete packet of testimony may be located at the Historical Society.

MARC RACICOT, GOVERNOR



## STATE OF MONTANA

HANK HUDSON, DIRECTOR  
JESSE MUNRO, DEPUTY DIRECTORPO BOX 8005  
HELENA, MONTANA 59604-8005

January 11, 1993

DEPARTMENT OF FAMILY SERVICES  
TESTIMONY IN SUPPORT OF S.B. 61Submitted by Al Davis, Administrator  
Juvenile Corrections Division

Current language in Montana Code Annotated requires the youth correctional facilities to "include such academic and vocational subjects as are taught in the public schools of the state..." (52-5-106, MCA) Current practice is to provide an academic and vocational curriculum that reflects the same requirements as are being provided in the public school system.

Statistics suggest that youth entering the juvenile corrections institutional programs are significantly below grade level, and in fact, have failed in that system. This suggests a need to examine the manner in which educational and vocational instruction is provided for this unique population.

Rule 10.55.604 of the Montana School Accreditation Standards and Procedures Manual allows schools to request permission for alternative standards. This rule provides recourse to those situations that indicate a need for a modified curriculum due to specific needs of a unique population. The special needs of students in a correctional facility merit consideration of an alternative curricula that best meets their educational needs.

Senate Bill 61 clarifies the Department of Family Services' responsibility in setting curricula at the state youth correctional facilities. It allows for special attention to be given in the development of a curriculum that responds more appropriately to the special needs of incarcerated students. It further clears up the conflict between current statute and rules regarding accreditation standards. The current statute imposes more restrictions on Pine Hills and Mountain View Schools' development of appropriate curricula than is imposed on other, less unique educational facilities.

It is not the intent of SB 61 to jeopardize the transfer of credits from the correctional facility to public schools. SB 61 does not amend the requirement that the academic and vocational programs at the correctional facilities be governed by accreditation standards approved by the Board of Education.



**HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER**

Education & Cultural Resources

COMMITTEE

BILL NO. HB 376

DATE 2/3/93

SPONSOR(S) REPRESENTATIVE DAVIS

**PLEASE PRINT**

**PLEASE PRINT**

**PLEASE PRINT**

| NAME AND ADDRESS                                       | REPRESENTING                      | SUPPORT | OPPOSE |
|--|-----------------------------------|---------|--------|
| R.H. "Dick" Mitter <sup>PO Box 400</sup> St Ignace, MT | School Dist. 28                   | X       |        |
| Steve Gant Supt  | Charlo Schools # 75               | X       |        |
| <sup>Lake County Supt.</sup> Joyce Decker Wagner       | Lake County Supt                  | X       |        |
| Gayle Crane  | Arlee, S.D. 85                    | X       |        |
| Eric J. Lee  | MSA                               |         | X      |
| John Malone  | M.F.F. / M.F.S.E.                 |         | X      |
| Bruce W. Meier   | BSA                               | X       |        |
| Tom Blood  | MEA                               |         | X      |
| Craig Brewington                                       | Hellgate Elem. Schools - Missoula | X       |        |
| Loran Frazier  | S An                              | X       |        |
|  |                                   |         |        |
|  |                                   |         |        |
|  |                                   |         |        |
|  |                                   |         |        |

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

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

EDUCATION & CULTURAL RESOURCES COMMITTEE BILL NO. SB 99  
DATE 2/3/93 SPONSOR(S) SENATOR LYNCH

PLEASE PRINT

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PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|------------------|--------------|---------|--------|
| John M. Galeo    | M.F.T        | X       |        |
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HOUSE OF REPRESENTATIVES  
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EDUCATION & CULTURAL RESOURCES

COMMITTEE

BILL NO. SB 61

DATE 2/3/93

SPONSOR(S) SENATOR STANG

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| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|------------------|--------------|---------|--------|
| Al Dany          | DFS          | ✓       |        |
| Tru Han          | MSA          |         |        |
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HOUSE OF REPRESENTATIVES  
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Education & Cultural Resources COMMITTEE

BILL NO. HB 384

DATE 2/3/03 SPONSOR(S) REP. SIMPKINS

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PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|------------------|--------------|---------|--------|
| Wayne Buchanan   | BPE          |         | ✓      |
| Eric [Signature] | NSA          |         | —      |
| John [Signature] | MFT          |         | ✓      |
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