

**MINUTES**

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

**COMMITTEE ON EDUCATION**

**Call to Order:** By Senator Blaylock, on March 10, 1993, at 1 p.m.

**ROLL CALL**

**Members Present:**

Sen. Chet Blaylock, Chair (D)  
Sen. Harry Fritz, Vice Chair (D)  
Sen. John Brenden (R)  
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:** None

**Members Absent:** None

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

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

**Committee Business Summary:**

Hearing: HB 398  
HB 424  
HB 469

**Executive Action:** None

**Comments by Chair:** Chair Blaylock said these three bills make a unique situation in that there are conflicts in them and he believed the way to address them might be to take all three bills together, compare them and see if they could be incorporated into one bill. The committee decided to hear the sponsor on each bill and proceed from there.

**HEARING ON HOUSE BILLS 398**

**Opening Statement by Sponsor:**

Representative John Johnson, House District 23, Glendive, said there is conflict between two of the bills and the third one can easily be settled by amending a small portion into one of the other bills. At the present time HB 424 is a part of HB 398 and will help to resolve the situation so there will only be the two bills to consider. HB 398 does three things, establishes tuition on a statewide basis as a flat rate, page 1, line 20-22 and on page 2, line 14 through 19 sets how the statewide ANB will be established. Second, on page 2 at the bottom of the page and top of page 3, line 3, the tuition for out of district placement for a student without disabilities who requires a higher than average cost in elementary and on page 6 line 11-18 is the portion that applies to HB 424.

Chair Blaylock asked Representative Johnson if this is exactly what is in Representative Spring's bill and was told yes and agreed that as long as this is in HB 398 we will not need HB 424. Representative Spring and Harry Erickson had been consulted and agreed.

Representative Johnson said page 9, section 5 deals with the high school, and in some instances the laws are different and this would bring the two together. Page 10, line 19 gives the same basis for statewide tuition to ANB. On page 11, line 7 through 12 the same wording for out of district placement for high school students that would go to such a facility. The remainder of the bill is section laws as they read now. On page 15, line 9 through 15 is the special education funds that you found in Representative Spring's bill. He said he had some copies of suggested amendments and would give them to the committee if they so desired.

#### HEARING ON HOUSE BILL 469

#### Opening Statement by Sponsor:

Representative Vicki Cocchiarella, House District 59, Missoula, apologized for these coming to the Senate in the form they are in. This bill comes from work done by the County Superintendent of Missoula and Flathead Counties, as well as concerned trustees and administrators, mostly in the Western part of the state. She did not believe there was as much conflict as it appears on the surface since there are many elements in her bill that are not very unlike Representative Johnson's bill. The effort of County Superintendent Rachel Vielleux and the group she worked with was to completely rewrite the tuition law to make it easier for school districts to apply tuition and be able to read the codes in the appropriate spot since the present law is difficult to sort out when trying to see how this works in school districts. She said her bill is a "no tuition" bill for regular education students which leaves it up to the local district to decide if they want to participate. There is no tuition for any district, and it is up to the local district to decide whether to accept a

regular education student in their district. It is a school choice bill. This is in conflict with HB 398, since that bill asks for flat rate tuition in the districts where they want to do tuition. 75% of the districts in Montana do not have any tuition for regular students, and her bill addresses that, tries to make it the same and tries to equalize for all districts in the state. If no tuition, it is fair for everyone and everyone is operating in the same way. She has some amendments proposed which would have that portion of Representative Johnson's amendment. It is a policy issue this committee should decide--whether it is appropriate for regular students to have tuition or to have no tuition allowing local control and local decisions be made as to whether a student can come to their school or not. She said on page 3 this bill looks at districts like the Blue Creek School District, where there is an arrangement with Lockwood School District out of Billings, to take their middle school children. The bill provides that there can be a tuition or an arrangement for payment that way. On page 3, section 2, mandatory placements have tuition that goes with them and it also provides for special ed tuition. They are not taking away those payments, but are asking that payments be made in an equal manner. At the present time elementary districts pay from district funds for tuition, high school districts pay out of county equalization funds and they are asking that this be made the same and that both high school and elementary operate in the same manner when it comes to tuition.

Representative Cocchiarella said a meeting was held early last week with school boards associations, school administrators, Dori Nielson, herself and Representative Johnson where they discussed the two bills. She pointed out the points that were agreeable to everyone at that meeting and said they agreed flat rate in the state might be easier to deal with than the no tuition provision in her bill. She said they also talked about who pays when you have special placements and expensive program placements and those should be paid for out of county equalization because they are state issues, but if it is another kind of situation the flat rate tuition should come from the districts. She said this was a change and is not addressed in either bill.

Chair Blaylock asked if those were not addressed if they are in agreement that they should be addressed. Representative Cocchiarella said yes, at least from the group they had. Basically they are addressed in her bill, trying to make them the same, but her bill went further because flat rate was not in it, and they agreed that flat rates should come from districts.

Chair Blaylock said he believed it would be easier to understand the problems if she would tell them what things the group disagreed on between her bill and Rep. Johnson's bill.

Representative Cocchiarella said the biggest issue is flat rate versus no tuition. She said yesterday they had 14 amendments to Representative Johnson's bill, today we have about 8 in her bill

and one on his so it is improving. She said her bill also contains Representative Spring's HB 424.

Dori Nielson said her office does not work with county tuition, but both bills contain components that address issues that are very real and genuine. Much of what is addressed in both bills are not conflicting, but representing two perspectives and points of view. The problem is now that both bills are written and in order to edit those parts together, some decisions need to be made as to whether it will be a 14 page edit or an 8 page edit and whether you will meld some of the concepts or not. The components that **could** work are decisions this committee may have to make and then edit to be rewritten. She said HB 469 does not have the three key components HB 398 has and blending all those elementary and high school statutes together are not in his, but could be rewritten.

#### HEARING ON HOUSE BILL 424

##### Opening Statement by Sponsor:

Representative Wilbur Spring, House District 77, Belgrade, said since this bill would be incorporated in either of the other two bills it could be tabled so it was available later if the other two bills did not go through. He said Mr. Erickson was available for questions, and explained the necessity for his bill was a major concern in his area.

Senator Waterman said she needed Representative Spring to briefly explain the problem he is trying to solve. Harry Erickson, Superintendent of Schools at Belgrade, said they had three districts that had multi-handicapped kids and they had a good program at Belgrade, so Manhattan and Three Forks opted to send their kids to Belgrade about six months ago, in the spirit of co-oping. Under the old system Belgrade wound up funding those kids from their general fund, because although they paid tuition, the tuition was credited to the general fund budget which puts it over statutory limits and it goes back to reduce the levy. They were unable to utilize those dollars to fund the program and had gotten to the point this year, in the budget crunches they are in, that they would have to either be able to utilize those dollars or quit taking out-of-district placements. This would have cost the other districts more money since each district would be spending about \$50,000 for a multi-handicapped program. At the present time, only one district is paying that amount but is handling kids for three districts. As long as this is included in the other bills, he would agree with Representative Spring that this bill should be tabled so if the other bills ran into trouble they would still need something to cover their problem.

It was decided to have proponents of each bill speak and questions as to whether, section by section, there are problems

with the bill. Chair Blaylock said there was a lot more expertise here than the committee has, because these are their bills. Senator Waterman opted for testimony on the bills so the committee members could reach a decision as to what was wanted, then address the problems and follow up by deciding how to do so technically.

Chair Blaylock asked the committee if they would like to hear all the proponents and opponents on the bills, or just on the concepts that are contained in these bills. Senator Waterman said she would like to hear the proponents and opponents of all the bills but to have them clearly identify which bill they are speaking on, whether on all three, or suggest what is taken from one bill and added to another which would be helpful. She did not think they should have to get up three times on three bills.

Ms. McClure said it would also be helpful for her as staff to have them tell the committee where whatever they are speaking on is at and in which bill.

**Proponents for HB 398 and 469:**

Rachel Vielleux, Missoula County Superintendent of Schools, said she was speaking as a proponent for HB 469. One of the differences between these two bills, which is a conceptual difference, can be given with the example of Helena. Students from Jefferson County live, by the dictates of current statute, a certain number of miles from their home school and closer to another high school, may attend Helena High school and Jefferson County equalization pays tuition for that attendance. That is under current statute, it is under Representative Johnson's bill but under Representative Cocchiarella's bill that would no longer occur. She said that is in the new section 1, and said section 2, attendance of mandatory approval drops all the language that talks about distances, except where it says the only mandatory approval is for agency placements. In Helena this is in excess of \$200,000 in high school and around \$300,000 in the elementary, however HB 469 was predicated on the premise that this Legislature would also come up with school equalization of some sort. If that does occur, the tuition issue is moot. The major difference between these two bills is that we have schools of choice but districts can still refuse to admit students. They must draft policies which address under what circumstances this would happen under, primarily we would assume that would be excess student loads and violation of accreditation standards. She did not believe there would be a problem if schools of choice are not the committee's wish, that would not be difficult to amend into HB 469. She suggested HB 469 was a good vehicle for that manipulation because it is an over all simplification and rewrite of the tuition statutes that make it easy to understand in layman's terms. She said transportation for students that are tuition students is a new section and she believed it was in Representative Johnson's bill and would hope it would stay in the finished bill.

Don Waldron, Montana Rural Education Association, said they do support HB 398. There have been some amendments proposed and they support those as well as the concept of HB 424 and support everything in HB 469 except doing away with the tuition. He handed out a letter from Dan Martin in Glendive. (exhibit 1) He urged a do pass on HB 398 along with the amendments.

Willie Day, Eastern Montana Lobbying Coalition, said they support House Bill 398. He mentioned the Home on the Range in North Dakota that has placements from Eastern Montana. He said they are not in favor of doing away with tuition.

Loren Frazier, School Administrators of Montana said they support HB 424 because in prior testimony given by the sponsor and Mr. Erickson, they left out one important part. The money that is received in this tuition Mr. Erickson is after, goes to the program. Special Ed tuition is spent in that special ed program. He also wanted to make it clear that if there are foggy days for the other two bills, he would urge the committee to consider HB 424 which takes care of an issue we need to have more of in the state. They support HB 398 and all of the concepts that are in it. He said he had some problems with HB 469 in that it is possibly a bill before it's time because we do not have equalization. The no tuition is something he has a problem with and gave the example of Culbertson which has one elementary school and several high schools and they would not survive without the tuition they are charging. He believed Helena, Great Falls and some of the other cities charging tuition would also have a problem with no tuition. He mentioned the flat tuition charge and said a lot of the districts do not charge tuition because it is almost too complicated to figure if you don't have a lot of students coming in and flat tuition makes this much simpler.

Bruce Moerer, School Boards Association, said they believe they need HB 424, it is an important concept and also support the concept in House Bill 398. Some districts will not agree with a flat rate since there may be some losers. In HB 469 he would support part of this bill and oppose a part of it. They support making the high school and elementary tuition the same. He said he believed that doing away with tuition would be a problem and until we see how the new funding concepts work out, he believed it was a little premature at this time. He would suggest putting the bills in a subcommittee to work on them and come out with something that would embody the best of HB 469 and 398, and said they would probably have to give a priority to HB 398 and put the parts of 469 into 398.

**Opponents to House Bills 398 and 469:**

Larry Fasbender, Great Falls Public Schools, said they are not against the whole thing, but it is a difficult situation that has been created for you by sending all of these bills over here without resolving the differences. He believed it had been made

pretty clear that HB 469 was put together predicated on the idea that we will have equalization, and we don't have it yet. Until we do have school equalization HB 469 is premature so far as going to no tuition. There are elements in all of these bills that need to be addressed or they would not be here. They do support the idea that the tuition aspects should be cleaned up and simplified so far as the codes are concerned. The reason he was opposing the legislation as it stands now, is that until we finally see what happens on equalization, we should not be taking any action on any of them. When the equalization legislation comes over and is looked at and is going to pass, then is the time to go back in and do the work on the bills that would make it coordinate with whatever the equalization measure is. Until that time he also believed that it should be put in a subcommittee, resolve the differences in the bills, but wait to see if we have some equalization before final action is taken on these bills.

Questions from the Committee:

Senator Stang said he has a number of school districts that waive tuition and he asked Representative Johnson if his bill would prevent them from doing that and Representative Johnson answered no.

Senator Waterman said we have a bill in Finance and Claims on out-of-district special ed which deals with Inter Mountain and Rivendell etc. and asked Dori Nielson if that conflicts with HB 398. Ms. Nielson said she did not believe so.

Senator Waterman said on HB 424, it sounds like a good program that encourages co-oping in special ed programs. She asked Ms. Nielson if that is the position of OPI or are there other ways we can do that. Ms. Nielson said statute is actually structured at the present time so they can do something that most of them are not doing because of the use of the term "unanticipated" in statute. She said there is no such thing as unanticipated in tuition and statute currently used the term "unanticipated tuition". You know in advance what this is and it is never a surprise. This would make a clarification for those districts in the statute and would allow the districts to use that portion of funds and is addressed in both bills.

Senator Toews said this would be a statewide flat fee and asked if it is based on anything in the foundation schedules and if so which schools. Ms. Nielson said it is a flat rate by current funding category calculated from state expenditures and revenues. HB 398 specifies the flat rate would be determined by looking at expenditures and revenues in the prior year and calculating a flat rate for each category. There would be about 15 different numbers but will be determined amounts so you will know what the number is.

Senator Toews said if a big district is allowing students to go

to a smaller one, which district are we using for a base and Ms. Nielson said the district of attendance.

Senator Waterman asked for the history of why elementary and high school tuition comes out of different funds. Ms. Nielson said her best explanation, from statutes that have not been revised since 1947, is that at one time we had all county high schools, county paid, and that was the revenue source. It appears that never changed and if you talk about an equalization issue, right now some elementary students are required to go to school, even under mandatory provisions, the district pays. High school kids who might not be required to go, go across county lines and technically the state pays for them. County equalization is technically state equalization because we supplement what will get spent there.

Senator Waterman asked Representative Johnson if we don't pass your legislature or some combination of it, what affects would it have on Home on the Range. Representative Johnson said the effect will be that for the extra cost of that program, the receiving district which in this case is the Dawson County High School District, will not receive those costs which are above the tuition.

Senator Waterman asked if that was classified as special ed costs and those are additional educational costs and Representative Johnson said they are in addition to the tuition, in that they may need special counseling or other kinds of programs that are not available or used for the regular students in the high school and are an additional cost. It is estimated this would be between \$6500 and \$7,000 per student.

Senator Waterman asked why this is not covered like Yellowstone Treatment Center and the others. Representative Johnson said these are not special ed children. They don't need the extra care of special ed nor do they need to be locked up. They are somewhere in between. Ms. Nielson said there are children who are sex offenders etc. who do not need special education and do very well in math, no trouble with algebra, but cannot be placed in a public school setting without special counseling. There are several districts that feel they are or will be impacted by these kids and feel they cannot be responsible by putting them into the regular high school programs and need to be in a special situation only because of the difficulties they have.

Senator Waterman asked if group homes would qualify for this additional funding and Ms. Nielson said only if they can identify the kind of program, within the school, that is required for these children. She said the reason they were in the group home would also enter into it since if they were there because they have no parents or someone did not want them it is one thing, if they are there because they have some severe difficulty being around other children, that would be another thing. Senator Waterman asked about the Yellowstone boys and girls and was told



Waterman asked about the Yellowstone boys and girls and was told that most of that program is special ed, for the first time they have an ANB count.

Senator Waterman said she noticed the fiscal note was \$10,000 and as we are moving in the youth services area to community placement, it seemed the financial institutions went with it. Ms. Nielson said it is probably not assumed this is in-state, these kids could be from out-of-state or another district. \$10,000 is for the children who are attending out-of-state in elementary and is mandatory placements.

Mr. Erickson said no matter what happens as far as equalization is concerned, it will not fix the problems we are addressing in HB 424. There is not even a bill to address special ed until 1994.

**Closing by Sponsor:** Representative Johnson closed on House Bill 398 by saying both he and Representative Cocchiarella are amenable to working these bills together. They have agreed on certain concepts that should be in a combined bill if that is what happens. He believed the flat rate and the extra cost per placement in the programs were important. He said the \$10,000 deals with some schools on the border of Montana that send their children to North Dakota. To resolve the difference between funding of the elementary and high school is critical and should wind up the same.

Representative Cocchiarella closed on House Bill 469 by saying tuition is a complicated issue and in her bill they would like to give it the clean up language to make it easier for school districts to comply with the law while making it equal and fair for all school districts whether they are high school or elementary. The policy issue in her bill is the no tuition versus the flat tuition of Representative Johnson's bill. She felt it was easy to delineate the key items in these bills and put them together. She believed it would be easier to take her bill and make sure all the items in the other bill were in it. They all believe it is very essential to make it right by making tuition for all districts equal.

Chair Blaylock said both of you have said you are willing to work with us to try to get this put together. He asked what was considered the main sticking point of the bill was and Representative Cocchiarella said to her no tuition is what her bill contains and what she would like, but she is not stuck on it if the main issues can go forward. She said that would probably be the main policy issue, the rest of the issues were agreeable, and it would be up to this committee whether they wanted no tuition or flat rate. Representative Johnson said the change to no tuition is the biggest issue, and how it would be resolved is the main problem. The others are easy to put into either bill.

Senator Brown asked Representative Cocchiarella about the last

two or three years where there has been a "choice" issue where the idea was the school system ought to facilitate parental choice whenever possible. One of the keys to that was to eliminate tuition so basically the student could go to whichever school district he/she wanted to within a city or maybe even a larger area and if this related to the concept of no tuition in her bill. Representative Cocchiarella said yes, but it has nothing to do with private schools and the voucher system, it is just between public schools and allowing parents and children to choose which school they attend as long as the receiving school is willing to accept them.

#### DISCUSSION ON HOUSE BILL 473

Senator Beck, Senate District 24 said House Bill 473 is up for hearing in this committee Friday and he had a problem with it. It is a constitutional change to allow students to report to the governor six selections to the Board of Regents for that student appointment. He did not believe the students nor anyone else wanted to put this on the ballot and they were proposing a change. They had talked to the Council and there would be too much change in the bill to have it go to statute. There is a statute, 2-15-1508, Appointments to Boards of Public Education, Board of Regents and Conditions, and they are asking that this statute be amended to allow the students to nominate these 6 students. We would amend that statute to put in what they are asking for in the constitutional amendment. They were asking that one member shall be a student of the University System and be chosen by the Governor from a slate of six candidates nominated by the student government of the University System. In order to do this it would take a committee bill and a suspension of the rules to get it on the floor, but he felt it was the proper way to go.

Chair Blaylock agreed the deadline was past for a committee bill and they would have to suspend the rules to get it on the floor. Senator Beck said they had talked with President Van Valkenburg and he had no problems with it. They also talked to Speaker Mercer in the House and he sounded as though they would try to do whatever they could.

Jan Smith, Lobbyist for the Associated Students at MSU, said when they drafted this bill they were working off a proposal we submitted to the Governor. The Governor is in full support, and said go ahead and put it in statute now to set the pace for the future.

Senator Blaylock asked if Ms. Smith's group had asked the Legislative Council to draft the constitutional amendment for this. Ms. Smith said when they did this the Legislative Council was under the impression the Student Regent was just like the student member of the Board of Education, which is sort of a political favor. The student of the Board of Ed is not in statute, the student on the Board of Regents is in statute and

they thought we would have to constitutionally recognize the Student Regent to do this. After this passed the House and is in the Senate we find it does not have to be that way. She said Andy Merrill said she took full responsibility and would write this committee a letter.

Senator Brown asked how many votes this bill received in the House and Ms. Smith said it received 60 votes and she had talked to most of the other 40 and they were opposed to it because they did not feel they should be cluttering up the constitution.

Senator Brown said we probably cannot get enough votes to amend the constitution and will come in with a statute that requires a rule change etc. He said since they had already talked to Governor Racicot he thought perhaps their problem was taken care of by the agreement with him for this session. If you want to do so, you can introduce another bill in the next legislature to bind some future governor.

Senators Waterman, Brenden and Fritz agreed with Senator Brown's suggestion. Senator Stang said he did not see what harm it would do to ask the body if they are willing to suspend the rules to do this. If they are willing to suspend the rules, we can continue it, if they say no, it is a moot question. He said the students had spent a lot of their time up here and they should be able to go home with something to show for their efforts. Chair Blaylock said he was inclined to agree with Senator Stang's suggestion.

**Motion:** Senator Stang moved this committee ask to suspend the rules for the formation of a Committee Bill to ask for this to be changed to a statute that the six campuses would submit six names to the Governor of the State of Montana, from which he will pick one.

**Discussion:** Senator Brown said a Committee Bill requires a 3/4 majority and it is past the point where this committee can do that. Someone would have to stand up on the floor and ask that the rules be suspended for the purpose of introducing a bill. The committee does not have to be involved in this.

Senator Waterman said she did not believe we can do a committee bill. Senator Brown said it would be a matter of suspending the rules so any member could introduce a bill. It would take a 2/3 majority so a bill could be introduced to accomplish this purpose.

Senator Beck said he had been under the assumption it had to be a committee bill and he was probably wrong. If it did get the 40 votes on the floor we would have an issue on the ballot coming up next session.

Senator Fritz suggested taking a vote in the committee to see if we would support a committee bill.

Senator Yellowtail said he was a little surprised that this "revelation" has just now arrived at our consciousness. The House Committee or the House of Representatives could have recognized this long before now. Senator Brown has pointed out the practical approach that he felt was workable and without being disrespectful to students who have worked hard and put their hearts in this, he thought that was the prudent approach at this time.

Senator Beck said he would apologize a little for that because in signing this bill he had read the "meat" of the bill and did not realize it was asking for a constitutional amendment.

Senator McClure said it is not that this approach is wrong, it could be done either way. It is a choice of which way it should be done, and either one is correct.

Senator Brown asked if it would help to write a letter signed by all the members of the committee and sent to the Governor indicating what our intention would be. Perhaps in this case we could say we would strongly recommend that the Governor accept the recommendation from the six student governments, we think the spirit of this constitutional amendment is correct in that regard and that the people who are members of this committee now would look with favor on a bill to change the statute in the 1995 session to reflect the policy we hope the Governor will agree to.

Senator Beck said he thought that was a good idea, he did not want this on the ballot, he did not think the students would want it in the ballot, and he did not know if the public would be receptive to something like this on a constitutional amendment. This would give the kids something to take back to the University System.

**Vote:** Senator Stang's motion to ask for a suspension of the rules on this bill and make it a statute rather than a constitutional amendment FAILED 4 members voting yes, 6 voting no by roll call.

**Motion/Vote:** Motion by Senator Stang that a letter to the Governor saying we agree with the concept of this bill and ask for him to respond with his concurrence. Motion PASSED UNANIMOUSLY.

Senator Fritz said that Senator Stang told him they used to table constitutional amendments in the House. He said he had asked since this would eliminate the hassle with it on the floor with an adverse committee report. He asked the Chair of the Senate Rules Committee if we could table a constitutional amendment and he concluded it would probably take a Rules Committee decision on that because he did not really know, but said we could try. He thought however, that if any single Senator objected, the bill would have to come off the table and be put on second reading. He would recommend we convene the Rules committee and get a

ruling on that question. Chair Blaylock said it is a good issue to raise, he had gone to the leadership and they said it was not too bad a way to get rid of some of those. He believed it was correct, that if a single Senator objected, it would probably have to come out on the floor.

Senator Waterman suggested testing the rule either with the one we have on the table or with this one. We could table this, Senator Beck could call for Rules and we could get it clarified as to what we have to do.


Senator Brown said it is an unusual situation because the proponents want to "pull the plug" on this thing, but as long as there is the possibility it could get the 100 votes, in fairness we could not stop it unless we agree unanimously we want it stopped. He felt the best way to settle it to have the Rules committee say this could only remain tabled with unanimous consent.

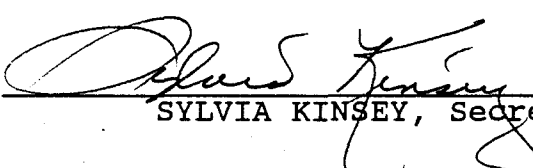
Discussion was held on putting the bill on the table and the Chair said it could not be done until Friday when the hearing is held on the bill.

Chair Blaylock appointed a subcommittee on House Bills 398, 424 and 469 with Senator Blaylock, Chair, Senators Brown and Stang.

ADJOURNMENT

Adjournment: 4:26 p.m.

  
CHET BLAYLOCK, Chair

  
SYLVIA KINSEY, Secretary

CB/sk

## ROLL CALL

SENATE COMMITTEE EDUCATION

DATE 3/10/93

[illegible]

SENATE EDUCATION

EXHIBIT NO. 1

DATE 3-

BILL NO. 398

ELEMENTARY SCHOOL DISTRICT #1

WASHINGTON  
SCHOOL  
HARRY DARLING  
Principal  
406-365-2356LINCOLN SCHOOL  
DON IDSO  
Principal  
406-365-2308JEFFERSON SCHOOL  
MORRIS VAN CAMPEN  
Principal  
406-365-4155ARY SCHOOL DISTRICT #1  
NTY HIGH SCHOOL

IVE MONTANA 59330

R. MARTIN  
MENT OF SCHOOLS  
-365-5293FAY D. DEAR  
DISTRICT CLERK  
406-365-2555PAUL M. HUBER  
Vice-Principal  
406-365-5265

TESTIMONY - SENATE HEARING  
House Bill 398  
Dan Martin, Superintendent  
Glendive Public Schools

House Bill 398 is a good bill. This bill effectively addresses problems that have become increasingly significant in the last couple of years.

First, House Bill 398 does make tuition law the same for elementary and high school. Tuition calculation has always been misunderstood, and in many cases, miscalculated. Any and all proposals to make tuition law more efficient will be helpful.

Secondly and most important, this bill addresses tuition for out-of-district placed students. The number of students that require out-of-district placement has increased dramatically in the past five years. A recent study revealed that in eastern Montana alone we have at least 160 students that need to be placed out-of-district. Further, it is reasonable to predict that a statewide estimate would be double or even triple that number.

Students that require out-of-district placement, usually by a court or state agency and sometimes school districts, have unique needs that are very costly. In fact, the cost per student is much, much more than regular education and even more than Special Education. As legislators, each of you fully understand the high cost of residency placed students. In fact, when students are placed in districts due to the sending districts' inability to meet that students needs, the recipient district does incur a great deal of additional cost.

House Bill 398 would require the sending district to pay the education costs incurred by the host district. The sending districts have the responsibility to pay those costs. The taxpayers of the host district should not have to pay those costs, nor should regular education suffer a reduction due to the out-of-district placement. Currently, the regular education dollars are displaced to cover those placements in host districts and regular education in the host district does suffer.

I urge your support for House Bill 398. It is a fair and just bill.

DATE March 10, 1993  
 SENATE COMMITTEE ON Education  
 BILLS BEING HEARD TODAY: HB 398, 424, 469

Name Representing Bill No. Check One  
 Support Oppose

Ken Alison	Fairview School	398		
Nikie Cayko	Fairview, mt	398		
Dennis Trudell	"	398		
Cheryl Tveit	"	398		
Jim Vitt	"	398		
Harry D. Cook	Belgrade	424		
Loan Frazin	SAH	424	✓	
"	"	398	✓	
Larry Tabor	Great Falls Pub. School	469 424 398	✓	✓

## VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY



# ROLL CALL VOTE

SENATE COMMITTEE EDUCATION

BILL NO. \_\_\_\_\_

DATE 3-10-93 TIME 4:21 PM A.M. P.M.

NAME	YES	NO
SENATOR FRITZ	✓	
SENATOR BROWN		✓
SENATOR BRENDEN		✓
SENATOR TOEWS		✓
SENATOR HERTEL		✓
SENATOR WILSON	✓	
SENATOR WATERMAN		✓
SENATOR YELLOWTAIL		✓
SENATOR STANG	✓	
SENATOR BLAYLOCK	✓	
	4	6

Sylvia Kinsey  
SECRETARY

SENATOR BLAYLOCK  
CHAIR

MOTION: asked for Committee bill to change Statute for six Campuses to Submit 6 Names to Gov.