

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
54th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON EDUCATION & CULTURAL RESOURCES**

**Call to Order:** By **CHAIRMAN ALVIN ELLIS JR.**, on February 6, 1995,  
at 3:20 pm.

**ROLL CALL**

**Members Present:**

Rep. Alvin A. Ellis, Jr., Chairman (R)  
Rep. Peggy Arnott, Vice Chairman (Majority) (R)  
Rep. Vicki Cocchiarella, Vice Chairman (Minority) (D)  
Rep. Matt Denny (R)  
Rep. H.S. "Sonny" Hanson (R)  
Rep. Dan W. Harrington (D)  
Rep. Jack R. Herron (R)  
Rep. Joan Hurdle (D)  
Rep. Bob Keenan (R)  
Rep. Sam Kitzenberg (R)  
Rep. Gay Ann Masolo (R)  
Rep. William Rehbein, Jr. (R)  
Rep. John "Sam" Rose (R)  
Rep. George Heavy Runner (D)  
Rep. Debbie Shea (D)  
Rep. Richard D. Simpkins (R)  
Rep. Diana E. Wyatt (D)

**Members Excused:** Rep. Norm Mills (R)

**Members Absent:** None

**Staff Present:** Andrea Merrill, Legislative Council  
Renae Decrevel, Committee Secretary

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

**Committee Business Summary:**

Hearing: HB 368, HB 367, HB 369  
Executive Action: HB 228 DO PASS AS AMENDED  
HB 201 DO PASS AS AMENDED

{Tape: 1; Side: A; Approx. Counter: 000; Comments: n/a.}

HEARING ON HB 368Opening Statement by Sponsor:

REP. DON HOLLAND, HD 7, said this bill is an act implementing the recommendation of the Governor's Task Force to Renew Montana Government. It has to do with the duties of the county treasurer and school district officials. The fiscal note showed that there would be no fiscal impact created by the bill. It actually would create some time savings for both county treasurers and school district financial business offices.

Proponents' Testimony:

Pat Hathy, Senior Policy Advisor for Governor Marc Racicot, spoke on behalf of the governor in support of HB 368. The bill was based on a recommendation of the Governor's Task Force. It simplifies the relationship between offices of the county treasurer and the school district. The Montana School Business Officers Association and the County Treasurers Association worked together to refine the proposal which has been adopted by the Governor's Office. Essentially, the bill would remove the duplicated budget monitoring responsibility, currently shared by the district and the county treasurer. By eliminating the duplicate responsibilities, needless paper transfers are reduced, and county treasurers' time will be freed for more pressing business and budget monitoring responsibilities will be placed with individual districts. She encouraged the committee's support of HB 368.

{Tape: 1; Side: A; Approx. Counter: 83; Comments: n/a.}

Sharon Lincoln, Member of the Education Committee for the Governor's Task Force and Rosebud County Treasurer, said the Montana County Treasurers Association supported the passage of this bill. She stated that this bill would eliminate the need to list by hand the warrants issued by school districts and would save time in the treasurer's office by eliminating the need to report the payments made from the duplicate warrants or the computer list provided by the school districts.

It would also save time by eliminating the need to journal voucher the amount of all monthly budget expenditures against the amount of the authorized budget for each district's budgeted fund. In addition, it would eliminate the need for each district to provide duplicate warrants or a list to the office of the treasurer each time a warrant is written. The bill would eliminate the need to report the warrants that are not paid, which in turn would eliminate the duplication of treasurer reports to the districts' monthly cash reports for warrants that are paid.

It would reduce the time it takes the treasurer to deliver monthly cash reports to the school districts, which is a report

the districts wish to receive on a timely basis. The district would no longer have to provide the treasurer with a list of purchase orders and amounts for each order that would obligate their current year budget beyond the end of the fiscal year.

The bill would also allow the district to invest money from the sales of bonds in a countywide investment program that provides a monetary advantage to districts in achieving a better interest rate with a flexible investment period. While the bill is effectively revenue neutral, it would provide a cost savings to the district in time and mailing costs and a cost savings to the office of the treasurer by ending duplicate duties. She described the budget monitoring process in more detail and stated that currently there is no way that a county treasurer can effectively monitor their actual expenditures. The transfer of cash is also a problem and creates concern.

**Ms. Lincoln** explained how the bill would help the smaller school districts and felt it would benefit them the most. She urged the committee to support the bill.

*{Tape: 1; Side: A; Approx. Counter: 250; Comments: n/a.}*

**Lynda Brannon, Montana School Business Association**, said the bill has been needed for a long time, because many districts are currently forced by statute to provide the county treasurer with unnecessary paperwork. She stated that some county treasurers do nothing but store this paperwork until the end of the fiscal year and then toss it out. County treasurers no longer have the time to duplicate many of the duties that the school clerks already perform, and clerks no longer have the time to generate these unnecessary reports. Opponents may say the districts need these checks and balances, but "this is the age of the computer and accountability." The duties and capabilities of both clerks and county treasurers has grown in the last 20 years. She said the county treasurer has always shared in legal liability where accuracy of reporting is concerned.

This bill would keep the money in the county and the county treasurer would still receive, distribute and report all financial activity to the district in the same way a bank does on a bank statement. This bill would be "one step toward getting rid of unnecessary work and anything that does that is a good bill." She urged their support.

**Cort Harrington, Montana County Treasurers Association**, said a bill was introduced during the last special session that was intended to accomplish the same purpose, but they lacked the time to get input and the bill did not pass. In the interim, the associations of the county treasurers and school business officials worked together to develop a proposal that streamlined the duties and eliminated the duplication of school budget work done by county treasurers and clerks. He said these two organizations came up with the same idea that was being suggested

by the Governor's Task Force, and they agreed that it was an appropriate thing to do to streamline some of the duties and eliminate some of the duplication of effort.

**Opponents' Testimony:** None

**Informational Testimony:** None

*{Tape: 1; Side: A; Approx. Counter: 368; Comments: n/a.}*

**Questions From Committee Members and Responses:**

**CHAIRMAN ALVIN ELLIS** told **Sharon Lincoln** that larger districts have a clerk and an administrator who check on each other, but in smaller districts with just a school board and a clerk, that kind of oversight is not in place and it can't be done with warrants. He asked if in that case, could the treasurer check on a district budget. **Ms. Lincoln** said this bill would eliminate the checking on their budget and would put them into a cash function only. Small districts that may have problems with bookkeeping or accounting are invited to seek help or assistance from her office.

**REP. RAY PECK** commented that it is common practice that the county superintendent is an active participant in the budget overseeing and accounting for small districts. He didn't feel it would present any problems.

**CHAIRMAN ELLIS** asked about cases where 16 counties are without a county superintendent of schools and those duties lie with the county treasurer or the clerk and recorder. **REP. PECK** said when the duties are combined, he assumed that function is still performed by the person acting in the dual capacity, and is still subject to auditing.

**Closing by Sponsor:**

**REP. HOLLAND** said that this can and should be done on the local level as well. A lot of work has been put into this legislation by these two groups as well as the Governor's Task Force and would help local governments save time and some expenses.

*{Tape: 1; Side: A; Approx. Counter: 487; Comments: n/a.}*

**HEARING ON HB 367**

**Opening Statement by Sponsor:**

**REP. RICK JORE, Ronan**, wished to explain what HB 367 is not, in order to clear up misconceptions by the media. It is not a home-school bill or a private school bill and is not an anti-public school bill. HB 367 is a parental rights bill. He said the bill came about on his own initiative and no specific groups were

behind the bill. He has always believed that the rights of parents need to be protected in the educational process. He told the committee that HB 367 may be the most philosophical bill they would hear that session and suggested they approach it as such. He described two basic specifics of HB 367.

He cited page 5, lines 1 and 2, where it clarifies that a pupil may not be compelled to attend a class or activity that is not required for graduation, if excused by a parent or guardian. The second item, on page 7, would repeal the sections of Title 20 of the MCA that have to do with compulsory attendance. He believed most would agree that children are born to their parents and not to the state, and that individuals have certain inalienable rights that are not subject to majority vote, and are indeed God-given. He quoted Thomas Jefferson who said, "It is better that we tolerate the rare instance of a parent refusing to let his child be educated, than to shock the common feelings and ideas by the forcible aspiration and education of the infant against the will of the father." He believed that was a significant recognition of parents' rights.

He cited the U.S. Supreme Court decision in 1925, Pierce vs. Society of Sisters, that said the fundamental theory of liberty upon which all government excludes the power of the state to standardize its children by forcing them to accept instruction from public teachers. He discussed epistemology--the investigation in nature of the origin of knowledge, and said that education is basically a religious function and, as such, cannot be infringed upon by legislative action.

He read the whereas statements on pages 1 and 2 of the bill. He said these statements are the rationale of the bill. He stressed that this is an issue that, in this day and age, may seem extreme or radical, but thought they'd come to a point where they have to be honest enough to evaluate and ask if parents' rights have been infringed upon, even with good intentions. He felt it was time to restore the authority to parents to control how their children would be educated.

{Tape: 1; Side: A; Approx. Counter: 878; Comments: n/a.}

#### Proponents' Testimony:

Caroline Koopman, Bozeman, submitted written testimony. EXHIBIT 1

Roger Koopman, Bozeman, said although he is a home schooler, he wasn't coming before the committee as one, but believed the bill would secure the rights of home schoolers. He said he was appearing more as a citizen who cares about the state and a Christian, and one who cares about his neighbor. He believed this bill would improve the quality of public school education, because it would reaffirm the role of parents.

{Tape: 1; Side: B; Approx. Counter: 000; Comments: n/a.}

It would encourage parents to become more involved in their children's education and to see they are the primary controller of their children's education. He compiled some quotes in a handout entitled, "Some Thoughts on Compulsory Education" and submitted it to the committee. He read a quote by Dr. Milton Friedman. He said if he wasn't forced to educate his child, he would still make sure that child was educated, and he has yet to meet anyone who wouldn't wish to educate their child.. **EXHIBIT 2**

*{Tape: 1; Side: B; Approx. Counter: 95; Comments: n/a.}*

**Steve White, Chairman, Montana Coalition of Home Educators**, said he was not representing this organization, but himself, at the hearing. He said **REP. JORE** made two points: that this is not an anti-public school or a pro-private or home school bill, but is a pro-family and a pro-parental rights bill. He said the Senate recently heard SB 157 which would require all children to wear helmets when they ride bicycles, and the opposition was from parents who wanted to decide that for themselves. The committee voted that bill down. That indicated to him that this legislature is listening to the concerns of parents.

**Mr. White** said that the compulsory attendance law has already been adversely affected, if not already abolished, in this legislative session. HB 167, the expelling of a student up to one year that carries a handgun to school, ultimately does away with compulsory attendance law. He said they need to consider HB 367, because with HB 167, they would be expelling a student for a year who would then not receive an education. Wording in HB 167 does allow for an alternative form of education, but he believed that the child would just have to repeat courses that are missed that year. He said the nature of that bill itself challenges compulsory attendance law. He asked for their consideration of this bill.

**Arlette Randash, Eagle Forum**, submitted written testimony.  
**EXHIBIT 3**

*{Tape: 1; Side: B; Approx. Counter: 240; Comments: n/a.}*

**Jack Murphy, Polson, father of nine children being home schooled**, said his appeal for them to pass HB 367 is for "the children, for peace and for God." He described how he came to believe that innocent children have been given a sentence of involuntary servitude for 10-12 years, and are required to be in school, even though they've done nothing wrong. He submitted written testimony. **EXHIBIT 4**

**Kim Milburn, Helena**, said they need to remember that Society's basic building block is the family, and families need to take more responsibility for their children. He said they want to strengthen the schools through more parental involvement. He said they need to reestablish who is in charge of the children.

**Jerry O'Neil** said he sent his children to public school and is proud of the education they got and are all doing fine. He supported this bill because he wants a quality education for his grandchildren. He said that schools are acting like monopolies that have the potential to raise the price and lower the quality of services they provide. He believed the bill would prevent schools from becoming a monopoly and maintain their quality.

{Tape: 1; Side: B; Approx. Counter: 540; Comments: n/a.}

**Laurie Koutnik, Executive Director of Christian Coalition of Montana**, submitted written testimony. **EXHIBIT 5**

**Bob Dowden, Great Falls**, agreed with previous testimony and supported the bill for the good of Society.

**Pascal Redfern, father of eight children**, shared his views on the state of public education in the country. He wondered if compulsory education had survived the test of time. He quote the Supreme Court on the subject of taxation: "The power to tax is the power to destroy." He thought this applied to education as well and said that they are trying to force people to be responsible when they are not. He said they need to give parents the choice to be responsible if they want and said all they need to do as a state is mandate, as a standard, righteousness and responsibility.

**Jessica Murphy, Polson**, submitted written testimony. **EXHIBIT 6**

**Ron and Nell Baar, Manhattan**, submitted written testimony. **EXHIBIT 7**

**Roland and Lisa Morris, Moiese**, submitted written testimony. **EXHIBIT 8**

{Tape: 1; Side: B; Approx. Counter: 754; Comments: n/a.}

**Opponents' Testimony:**

**REP. RAY PECK, HD 93**, said they just heard some bad history and bad pronouncements about human behavior, and they have a bad bill with very good intentions. He said public education became established by a religious people who were concerned about the ability of children to read the Bible. He cited line 10 of the bill where it said that children are a ward of their parents and not of the state, and commented that Montana has the most liberal home school education act in the United States. He would insert the word "responsible" between the words "their" and "parents", because it seemed to him that the proponents failed to recognize that there are parents who are not responsible, and this is the problem with the bill.

**REP. PECK** cited the whereas statement on line 11, "whereas parents are accountable to God, not to the state, for the

education and training of their children." He asked if Christ asked them to ignore civil authority, and said he knew that it is said that Christ instructed not to defy the state. He said at least three other Catholics testified, so wished to announce that he also is a practicing Catholic and said the Pierce vs. Society of Sisters case was misinterpreted. That lawsuit dealt with a question in the state of Oregon about whether they could compel children to attend public schools. That ruling is the foundation of the freedom of education, and the state can not compel children to attend school.

He cited line 21, the whereas statement, that says education is basically a religious function. He reversed that statement and said, "Religion is basically a function of education." He thought it was a confusing statement and should be cleaned up.

**REP. PECK** disagreed with the whereas statement that said that current law presupposes that a child is the ward of the state. He said the state has an interest in the welfare of children and does presuppose that. He believed that must be in law because "we do not have responsible parents like the ones" that testified at this hearing.

On line 29, it said the Montana Constitution provides no basis for compulsory enrollment and he disagreed. He said they have not read the Constitution very carefully and asked them to read the general welfare clause in the Constitution.

On line 3 of page 2, the statement that private educators are reluctant to recognize state authority, and said that Catholic schools have the largest private educational system in the U.S. He said he has not found reluctance on their part to meet accreditation standards.

On line 7, the whereas clause says they are talking about a school system that is responsible only for the children whose parents choose to enroll them, and said that is true.

*{Tape: 2; Side: A; Approx. Counter: 000; Comments: A portion of REP. PECK'S testimony was lost during the tape change.}*

**REP. PECK** said the statement on line 9, that there is no indication that compulsory attendance laws have contributed to national literacy rates, he emphasized his disagreement and said that was absolutely incorrect. There is proof in the southern states where they did not have compulsory attendance laws until 30-40 years ago, and the evidence shows that those children were not achieving as well as those states with compulsory attendance laws.

He also had a problem with the statement on page 5 about children being allowed to be excused from classes and said he knew of no district in Montana that requires children to attend what he

assumed were health or sex education classes. Parents only have to notify the school and the child is excused.

On page 6, from line 15 through line 30, in reference to special education and psychiatric hospitals, he didn't know what the purpose of this section was in the bill and didn't feel it was germane.

The repealers 102 and 103 deal with compulsory education, 104 and 105 deal with attendance officers, 106 deals with truancy, but 107 deals with incapacitated and indigent children and he wondered why that was in the bill. 108 is a title agreement section he didn't think should be in the bill. 109 deals with non-school public retirement and didn't know why that was in there.

He said he stood before them at that hearing as a Montana Democrat, representing their platform, and said the majority of Montanans believe in public education. He has always advocated parents and home schooling. He said the founding fathers of the nation recognized that an educated citizenry is an absolute foundation for a free society. He quoted, "Education is the cheap defense of nations." Thomas Jefferson said "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be." He also said that every child must be encouraged to get as much education as he has the ability to take, not only for his sake, but for the nation's sake, and the state's sake. He said he's always supported public education, but never thought he'd have to defend the need for a compulsory education law. This law is in existence in every state in the U.S.

**REP. PECK** said prisons are populated with people who didn't succeed in school; half are high school dropouts. Ignorance breeds poverty, despair and crime. An educated work force made America the leader in the free world. He cited Germany and Japan who also have compulsory education. He wondered how the U.S. could compete with these powers if they stopped having compulsory education. He said they'd be competing with third world nations, such as India, where compulsory education laws do not exist. He wondered if Micron would even consider relocating to Montana if they didn't have an educated work force. He wondered how Montana could possibly compete with other states for industries such as Micron if they "throw compulsory education out the window."

He said he came from a family of 14 children, six brothers and seven sisters, who grew up during the Depression. They would never have had a chance if it were not for education. He thought his parents could have educated them all, but his father was busy earning a living and his mother was raising the children. The state has a function in education, but they don't force parents to put them in public schools.

In conclusion, **REP. PECK** reiterated the opposition of all Democrats to this bill and said while other states are working to reduce drop-out rates, this legislation would do exactly the opposite, and he urged them not to pass this bill.

**Jean Curtiss, Legislative Chair, Montana PTSA/PTA**, submitted written testimony. **EXHIBIT 9**

Informational Testimony: None

{Tape: 2; Side: A; Approx. Counter: 190; Comments: n/a.}

Questions From Committee Members and Responses:

**REP. DAN HARRINGTON** asked **Steve White** if home schooling parents have ever had a problem with authorities in terms of telling them what they can or can't do. **Mr. White** said they have, and related that in 1989, the Montana Home Schoolers Association met with **Nancy Keenan** to work out a change in the law that would require all school districts to form a policy for the re-entry of non-public school children back into the school system. He said about a year ago, he was called by a parent who was educating her children in the Missoula area, about a school board policy that required children going from private to public school to start over with the subjects they missed in the public school system. Rather than challenge those courses, they would have to re-take them.

**REP. HARRINGTON** said that situation had nothing to do with this bill. **Mr. White** said his testimony did not express a problem with the present home school law, and said this law would repeal the home school statute. He tried to make his position clear that this is not an anti-public school bill, but a parental rights bill. **REP. HARRINGTON** said he carried a bill in 1991 and remembered hearing statements that home schoolers didn't want the state to interfere with their chosen educational system and they wouldn't interfere in public education, and he wondered if perhaps they stepped over the line by saying they should abolish mandatory schools through passage of this bill. **Mr. White** said he wished to respond by reiterating what **REP. JORE** said in his opening statement, which is something he's been wanting to do, and said he did not collaborate with **REP. JORE** and did not influence the drafting of it. He said he still did not feel it was a home school bill or a private school bill, and did not feel it was an anti-public school bill.

{Tape: 2; Side: A; Approx. Counter: 340; Comments: n/a.}

**REP. DICK SIMPKINS** asked if mandatory attendance is good for children to age 16, why don't they make it to age 18. **REP. PECK** said some states have that and suggested **REP. SIMPKINS** could propose it in legislation if he wished. **REP. SIMPKINS** said **REP. PECK** kept referring to public education, but he didn't think this bill would do away with public education. He wondered what

mandatory attendance has to do with public education. **REP. PECK** said it serves the interest of the state and the general welfare of its people, which is the whole basis of mandatory education. He said in Montana they have made an exception and honor parents as the prime authority over children by allowing home schooling. **REP. SIMPKINS** said that he is saying children are wards of the state. **REP. PECK** said he was being misquoted and did not say that, but said the state has an interest in children because they will ultimately become the citizens of the state.

**REP. SIMPKINS** asked **Mr. White** if he recalled the home school movement being attacked by the Montana Education Association, the School Boards Association, and the School Administrators Association at legislative sessions since 1989. **Mr. White** said he did recall this and he was correct. **REP. SIMPKINS** asked if this law, which would give parents the responsibility for their children's education, would allow blame to be placed with parents. **Mr. White** replied that the whole notion of when a child starts to take education is an issue. He believed that a parent of a 17 year old should still be responsible if property is damaged by that child; but when it comes to education, the parents should be given a break to make the right decisions for their kids. The compulsory attendance law has been on the books since 1883 and every parent wants the best for their children, but the law is too restrictive.

*{Tape: 2; Side: A; Approx. Counter: 484; Comments: n/a.}*

**REP. SIMPKINS** asked **Gail Gray, OPI**, about the exact time of day that schools assume control over the child and when they relinquish that control. **Ms. Gray** said that was a rhetorical question, and that they could go back to legal definitions to see when the school can sue for not being responsible for a child. Aside from that, no one has a specific time set in a 24-hour period. **REP. SIMPKINS** said he asked that question because he couldn't get an answer from the county attorney, the city attorney, and asked another question. If homework is assigned to his child to be done in his home and that child is graded down because it did not get done, is that an official intrusion into his home. **Ms. Gray** said that parents, students and teachers work on together for the betterment of the educational development of that child. If the child is not able to do the work during the day and must bring it home, then doesn't get it done, the consequence is a low grade.

**REP. SIMPKINS** gave an example when his son got A's on every math exam, it was lowered to a C because he did not do his homework, since he was more interested in doing his English. **Ms. Gray** replied that the decision as to what work should be done in a public school is based on general concepts and is up to the local school board. **REP. SIMPKINS** said this is the biggest complaint he hears from the parents in his district. He asked why the situation exists in the school system that the parents' authority

doesn't count. **Ms. Gray** said that depends upon the district, because every district has a different policy.

**REP. GEORGE HEAVY RUNNER** told **REP. JORE** that he wants to understand the right of parents to educate their own children. He asked if there had been sufficient time for discussion on the issue of repealing the compulsory attendance law. **REP. JORE** replied that he didn't know some of the proponents prior to the hearing, but a couple of them are good friends and they have talked about it in the past. **REP. HEAVY RUNNER** asked if the bill was not passed, how it would affect the current status for home schooling. **REP. JORE** said current law would continue, and while lenient, those specific requirements on parents would remain such as reporting attendance, immunization, and other records to the superintendent of schools. **REP. HEAVY RUNNER** asked if this bill was not passed, would they still be able to provide the state services that their children benefit from. **REP. JORE** said current law would continue, and he reiterated that this is not a home school bill, but a parents' rights bill. His intent is to clarify the authority that parents should have over public schools.

*{Tape: 2; Side: A; Approx. Counter: 795; Comments: n/a.}*

**REP. JOAN HURDLE** wished to question **Laurie Koutnik** and said that Rev. Jerry Falwell has been quoted as saying that "we will have a good education system when all schools are run by Christians." **REP. HURDLE** asked if she agreed with that. **Ms. Koutnik** said no, but that Rev. Falwell was entitled to his opinion. She did believe that this country was founded on Christian principles, but didn't believe that Christian education is the only alternative education. She said this bill would leave parents free to decide, since there are parents who are non-Christian who would not wish to have their children in a Christian school system. **REP. HURDLE** asked **Ms. Koutnik** if she believed in the separation of church and state. **Ms. Koutnik** said the separation of church and state does not exist in the constitution and came about because of a letter that Thomas Jefferson had written. Her personal feelings about church and state are that she has to live under state law, but she herself is an individual who answers to a higher calling, so in her mind there is no separation between church and state.

*{Tape: 2; Side: A; Approx. Counter: 888; Comments: n/a.}*

**REP. VICKI COCCHIARELLA** told **REP. JORE**, based on **Ms. Koutnik's** testimony, and referring to the statement on page 1, line 11: "parents are accountable to God..." and other references to the Christian faith, she believed this bill to be unconstitutional, because it doesn't allow for all the religions that are accepted in the U.S. She asked him to respond. **REP. JORE** pointed out that the rationale in the whereas statements do not become statute, but are assumptions behind the law. He said most of the

proponents are theistic in their world view, but in his mind it didn't exclude a parent who has secular assumptions.

*{Tape: 2; Side: B; Approx. Counter: 000; Comments: REP. SAM ROSE began questioning the sponsor.}*

REP. SAM ROSE was a teacher in the public school system for 27 years; from that point of view, he couldn't think of a time when parents rights were compromised. He asked REP. JORE if this bill was selecting what they thought were parents' rights. He restated his question and asked if parents should have control over the extra-curricular activities or during the school day. REP. JORE wondered if he was referring to home schooled children enrolled in extracurricular activities, and said the parents choose to delegate that authority during that time to the school, then the school has the authority over those children.

CHAIRMAN ALVIN ELLIS asked REP. PECK if he supported REP. DEBBIE SHEA'S bill that would expel students who carry guns to school. REP. PECK said he did vote for that bill. CHAIRMAN ELLIS asked if there might be other instances where it is not the best interest of the school or the public for some children to be in school. He described a specific example when in 1990, in east Palo Alto, California, a student assaulted another student who was expelled and then reinstated. He asked if that makes the educational system better and if that serves education.

REP. PECK said he has long had a problem with the federal law that is in effect in cases, for instance, when special education students, who are really emotionally disturbed, may become a threat to themselves or others. He said in those cases, he would support these children being excluded from school pending rehabilitation. Current law does require that children such as this would be in special classes. CHAIRMAN ELLIS asked if he would acknowledge that under REP. SHEA'S bill, if a student did not want to participate in school, all they would have to do is bring a firearm to school.

REP. PECK said a child is not required to be in school now, and if parents wish to home school or send them to a private school, they are not required to be in school, so he doesn't have to get himself kicked out. CHAIRMAN ELLIS said the bill they passed that would expel for firearm possession did not require alternative education. REP. PECK said it did not, but only expels the child for one year. That overrides compulsory attendance. The question then becomes who is responsible if the child is expelled.

*{Tape: 2; Side: B; Approx. Counter: 131; Comments: n/a.}*

REP. COCCHIARELLA read to the committee, for the record, a list of educational associations opposed HB 367. EXHIBIT 10

**REP. SIMPKINS** asked if there were any non-public education support organizations on the list. **REP. COCCHIARELLA** said she didn't look for that and **REP. HURDLE** asked what a non-education support organization is. **REP. SIMPKINS** said he meant a non-public education support organization.

**Closing by Sponsor:**

**REP. JORE** said he was concerned that their discussion was more antagonistic than it needed to be and reiterated that the intent is not anti-public schools. He referred to **REP. HARRINGTON'S** question of **Mr. White** he wished to point out that the public schools vs. the home schoolers is not the issue. The more fundamental issue has to do with parents' rights. He said he's cautious about the attitude that "we won't come after you if you don't come after us." "The essence of government is to protect our lives, liberties and our properties." He said that **REP. PECK** had some good points, and agreed that when the first compulsory education law was passed, there were deep, religious Biblical sentiments in Society, and he assumed that Society today would reject compulsory education for that same reason, that the child is being trained to read the Bible.

**REP. JORE** said the premise for his statement that compulsory education does nothing to enhance literacy came from a speech from John Taylor Gatto, who pointed out a statistic from Senator Ted Kennedy, who released a paper that said "prior to compulsory education the state literacy rate was 98%, and after it, the figure never went above 91%, where it stands in 1990." In 1800, a literacy study, done by Thomas Jefferson, revealed that the literacy rate was higher than 99%. "Not more than four in a thousand are unable to read." He again stressed that the issue is parental authority.

The idea of centralized government is under attack and they have found out that people are leery of the concept of government mandating from a central position. He quoted President George Bush, page 41 of America 2000, "The definition of public school should be broadened to include any school that serves the public and is held accountable by a public authority." He said that includes home schools and private schools, and are accountable to a public authority--the county superintendent of schools.

Theoretically, a central agency could mandate to every child what specifically should be taught, and he suggested that could be a tool more valuable to a despotic government than a free government. He referred to the fiscal note and said OPI and the Department of Revenue assumed that there would be no withdrawal of students from the public school system, so would have no fiscal impact. He believed it would relieve the tension between private educators and public school administrators, and would serve the best interests of both. He challenged the education committee to act boldly and courageously and pass the bill to establish the rights of parents.

He pointed out that the school system cannot guarantee that a compulsory education would keep children out of prison or off of welfare. He also pointed out that when children do become a liability to the state, it is the family unit that is the resource that the state uses when they do become wards of the state. So families have a more compelling interest to restore and maintain the integrity of the family unit.

{Tape: 2; Side: B; Approx. Counter: 419; Comments: n/a.}

#### HEARING ON HB 369

##### Opening Statement by Sponsor:

**REP. JACK WELLS, HD 27, Bozeman,** said this bill dealt with students' and parents' rights and relates to **REP. JORE'S** bill. In recent years, there has been a trend to gain control of students in public schools in the name of education, and this control has been directed toward the mind, the attitudes and the values. He mentioned Goals 2000 and a system called outcome based education (OBE), which has been introduced into the school system, where they use tests and psychological procedures that have begun to violate the basic rights of students.

**REP. WELLS** said a few years ago, a sociologist named William Spady introduced OBE, and although he was not an educator, he found that through the educational system, he could further his sociological theories. OBE consists of a three-point program, addressing knowledge (what children should know), competence (what children should be able to do), and orientation (what children should be like). This third point bothered him. He said that OBE has been in use in the U.S. since 1968 and in many states has been applied in an experimental basis and has not succeeded very well.

He listed states where OBE has been introduced and subsequently rejected. He said that proponents of this education method continue to implement it, and federal legislation is now exposing them to it.

In April, 1991, under President Bush, the America 2000 legislation was introduced in the U.S. Congress, as mentioned by **REP. JORE**. It was controversial, but reinforced the position of the Department of Education which President Reagan tried to abolish. Under President Clinton, Goals 2000 has been established. The use of federal funding is applied through Goals 2000 and tells states that they can volunteer to participate; however, if the states don't generate goals that meet the federal requirements and criteria, the federal funding is removed. He said some school boards in Montana have applied for Goals 2000 funds, and a conference for Goals 2000 was held in Helena recently under the auspices of OPI.

{Tape: 2; Side: B; Approx. Counter: 671; Comments: n/a.}

REP. WELLS said this bill is necessary because in 1974 the family and education rights and privacy act (FERPA) was passed in Washington to protect the rights of parents and students where school records are concerned. In 1994, with Goals 2000 implementation, some problems were recognized and an amendment was passed known as the protection of pupil rights amendment (PPRA). He said this amendment only applies to programs that are federally funded and does not cover psychological treatment or experimental procedures. They drafted HB 369 to include protection afforded by both FERPA and PPRA and applied it to all programs conducted by local school districts regardless of the funding source. He explained certain sections of the bill where these acts occur.

{Tape: 2; Side: B; Approx. Counter: 793; Comments: n/a.}

Proponents' Testimony:

Helena Lee, Coordinator, Helena Parents Commission, submitted written testimony and several examples of ways the school district can communicate with families about the rights of parents. EXHIBITS 11a, 11b, and 11c

Gary Swant, Retired Teacher, Deer Lodge, submitted written testimony. EXHIBIT 12

{Tape: 3; Side: A; Approx. Counter: 000; Comments: n/a.}

Mr. Swant continued reading his testimony.

Mark Mozer, read and submitted written testimony. EXHIBIT 13

Kathy Collins read and submitted written testimony. EXHIBIT 14

Brian Collins, 10 year old student, read and submitted his written testimony. EXHIBIT 15

CHAIRMAN ELLIS asked the individual who was recording the meeting to identify herself and tell the committee who she is doing this for. Kathleen Russell said she was taping the meeting as an independent citizen of Montana.

Amy Orser, Helena, read and submitted written testimony. EXHIBIT 16

{Tape: 3; Side: A; Approx. Counter: 214; Comments: n/a.}

Inez Howeth read and submitted written testimony. EXHIBIT 17

Clarice Cryder, Billings, read and submitted written testimony. EXHIBIT 18

**Paula Jermunson, Belgrade,** identified herself and submitted written testimony. **EXHIBIT 19**

**Connie House, Helena,** identified herself and submitted written testimony. **EXHIBIT 20**

**Rosanna Finley, East Helena,** identified herself and submitted written testimony. **EXHIBIT 21**

**Roger Koopman,** identified himself and submitted written testimony. **EXHIBIT 22**

**Kim Milburn, Helena,** identified himself as a supporter of HB 369.

**Laurie Koutnik, Christian Coalition of Montana,** identified herself and submitted written testimony. **Ms. Koutnik** brought additional written testimony to the hearing that is listed below. **EXHIBIT 23**

**Arlette Randash, Eagle Forum,** identified herself and submitted written testimony. **EXHIBIT 24**

**Bob Balyeat, Great Falls,** identified himself as a supporter of HB 369.

**Terry Frisch, President, Helena Parents Commission,** identified himself of a supporter of HB 369.

**Becky Stockton, Helena,** identified herself as a supporter of HB 369.

The following individuals submitted written testimony but did not appear at the hearing. Some of these letters (not identified as such) were brought to the hearing by **Ms. Koutnik** as stated above.

**Wayne and Joanne Shearer, E. Helena.** **EXHIBIT 25**

**Barbara LaRue, Helena.** **EXHIBIT 26**

**Michael T. Stevenson, Fort Harrison.** **EXHIBIT 27**

**Barbara Rush, Helena.** **EXHIBIT 28**

**Lanette Cuffe, Columbia Falls.** **EXHIBIT 29**

**Susan and Robert Friess, Columbia Falls.** **EXHIBIT 30**

**Steve Handley, Billings.** **EXHIBIT 31**

**Petition with 40 names from Billings** expressing support for HB 369. **EXHIBIT 32**

{Tape: 3; Side: A; Approx. Counter: 421; Comments: n/a.}

**Opponents' Testimony:**

**Gail Gray, Assistant Superintendent, Office of Public Instruction**, said their testimony is not in support or opposition to any particular curriculum and have no official position on outcome based education, and that is not her purpose for testifying. She said OPI is very involved in Goals 2000 along with the Governor's Office, but she emphasized that it is a voluntary program.

They are concerned about HB 369 for several reasons. The first is that it is an unfunded mandate. Providing materials for inspection to parents is already being done, so that would not cost more, but written parental consent for surveys and curriculum instructional materials is not. She described other costs that would be generated by requirements of this bill.

The second concern is that this goes beyond the federal statute, which they do support. Federal law requires giving parents the opportunity to review materials and consent before minor students are required to participate in any Department of Education-funded surveys, analyses or evaluations that reveals information concerning the six areas cited in federal law. Those same six areas are in HB 369 in addition to subsection (f) - religious affiliations or beliefs.

She said they are also concerned that this bill counters the issue of less government and that it usurps local control and puts it at the state level via a law that requires policies that can already be done at the local level. They saw no need for additional state intrusions on local district affairs.

**Don Waldron, Montana Rural Education Association**, said the last statement from **Ms. Gray** about local control is one of his major concerns. He said he was a retired school administrator and lived in Montana a long time. He explained that in the fall, instructional materials can be reviewed by parents, and their children can be removed from instruction they don't want them to participate in. He suggested that people try to work with their individual school, because he was sure they would be accommodated, and he didn't want to see schools saddled with a mandate that would cause more administrative work requiring the hiring of additional staff.

*{Tape: 3; Side: A; Approx. Counter: 575; Comments: n/a.}*

**Eric Feaver, Montana Education Association**, rose in reluctant opposition to HB 369 and said the people who testified as proponents had very legitimate concerns that should be addressed and this is the legislation they want, but it is not the legislation the Montana Education Association wants. He said the bill would not have anything to do with Goals 2000 and would not prevent the state's voluntary participation in this federal program. The bill also does not impact schools districts that

may be involved in strategic planning for reform. He said much of the testimony, therefore, was not pertinent to the bill. He stated that Goals 2000 is not a mandate, regardless of what people think, it is voluntary. He said Montana is receiving some money because it chose to participate, but HB 369 has nothing to do with it.

**Mr. Feaver** said in the new section 2, lines 16-25, line 18, subsection (1) in particular, where it refers to the definition of the experimental method, he thought this was vague and wasn't sure what it was referring to. Subsection (3)(b) on lines 24-26 he wondered about their definition of crisis intervention. Page 2, new section, lines 7-12, he wondered if this section was appropriate for this act. Lines 23-27 listed the kinds of materials that are used so extensively, that he thought there wouldn't be a curriculum in the state that could avoid violating this law. He urged the committee to reject this bill.

**Cort Harrington, School Trustee, School District #1, Helena,** said he was concerned because the Helena Parents Commission accused the school district of violating the federal parents' rights act, which this bill is modeled after. He said that the school district is in compliance with that federal law and no one has been able to cite an example where they did violate it. If this law is passed, it would interfere with the school district's ability to govern the district with what the local community wants. He said the bill would require notification at the beginning of the school year on what kind of testing is expected and he felt that would be very difficult to administer. He said their policy in School District #1 is to notify parents prior to testing, rather than at the beginning of the school year. He urged the committee not to pass the bill.

**Loran Frazier, School Administrators of Montana,** said as an administrator he is working toward getting schools more open to parents, but wondered if this bill is the way to go about it. When legislation is passed, they are mandating to all schools, and didn't believe that all schools are having the problems expressed. He said the school trustees are the closest to the districts and if they are irresponsible and not listening to parents, they can be voted out.

*{Tape: 3; Side: B; Approx. Counter: 000; Comments: n/a.}*

**Mr. Frazier** asked if they should really be passing a bill that would dictate local curriculums. He said **Mr. Feaver** covered most of his other concerns.

**Michael Keedy, Montana School Boards Association,** congratulated the sponsor and the proponents for raising issues that the school boards association agrees with, but he said they are against the "big brother" approach and pop psychology. He said they would favor the underlying premise of the bill if it is to promote better cooperation and communication, but share the concerns

voiced by the opponents about the mechanics of the bill, its overbreadth, and the way in which it would be administered, and the unfortunate practical impact that enforcement of this legislation would create. He would be willing to consider a variety of amendments to make a strong and useful bill out of what is a good idea.

**John Malee, Montana Federation of Teachers**, identified himself as an opponent of HB 369.

Informational Testimony: None

*{Tape: 3; Side: B; Approx. Counter: 70; Comments: n/a.}*

Questions From Committee Members and Responses:

**REP. GAY ANN MASOLO** asked **Mr. Harrington** how they currently handle parents' requests for wanting to take children out of health class. **Mr. Harrington** said his understanding is that such a request is granted.

**REP. DICK SIMPKINS** asked **Mr. Harrington** about the complaint that School District #1 violated a federal law. If this bill had been law, would they have been in violation of this law. **Mr. Harrington** said he didn't know and would need an example, because there might be something in this law that they are not doing currently. The notification of parents at the beginning of the year is something they are not doing and is a matter of public policy. He didn't think it was a good idea to go to the expense of notifying every parent or child in the district at the beginning of the year, but to notify and discuss it with them throughout the year.

**REP. SIMPKINS** said from his testimony, he assumed that the type of testing referred to in the bill does go on in School District #1. **Mr. Harrington** said there is testing in the district.

**CHAIRMAN ELLIS** asked **REP. WELLS** about working with the school boards association on considering amendments and wondered if he would be interested, or did he feel their ideas were expressed properly in the bill and he'd rather not amend it. **REP. WELLS** said he did have a couple of amendments given to him at the beginning of the hearing, but with those in place, he couldn't see the need for any others. He didn't see the need for any additional changes in the bill.

*{Tape: 3; Side: B; Approx. Counter: 168; Comments: n/a.}*

Closing by Sponsor:

**REP. WELLS** addressed **Gail Gray's** comments about Goals 2000, and agreed that in this bill that it was true they are not directly dealing with Goals 2000. He said it would be addressed by other legislation. He questioned the comment that Goals 2000 is

completely voluntary and said that one of the key words in the OBE movement is that it's voluntary. He said even though they object to OBE being introduced in their district, they end up with it anyway, and the federal funding follows. He said it is not truly voluntary.

**REP. WELLS** responded to the comments about the additional costs. He said the federal family rights act requires this information be brought to parents and permission obtained, and should be covered under the current funding that school districts have. He said he believed the notification for tests should be done at the beginning of the year and that children can opt out of sex education classes, but parents don't know what is going to be taught. He related a story about a sixth grade girl telling her mother that she learned at school how people make love and that classmates were talking about trying it out. This girl was removed from school by her parents.

He responded to **Eric Feaver's** comment that they do have good concerns, then said that Goals 2000 is voluntary. He mentioned the Helena Public School's strategic plan, and said this plan is an example of the kind of material that is adopted by a school district with 400 people at 18 meetings, most of whom were not parents. He said the plan states it is not their intent to infringe on any student's or family's religious or moral values, beliefs and attitudes or habits or feelings, but he wondered why they were doing the tests they're doing. He said they don't want to prohibit counseling in the bill, but pointed out that counseling should be utilized for specific students who need counseling. He suggested that their parents should be advised.

**REP. WELLS** referred to the issue brought up by **Mr. Harrington** and clarified that programs not funded by the federal government did not qualify for notification. This bill would say that regardless of the source of funding, notification would be mandatory.

He said a **Steven Kosser (?)**, from Pennsylvania, certified school psychologist, has worked with the school system and became aware of OBE there and opposed it and has authored a report called "The Psycho Education Report." He discussed issues described in this document.

The proposed amendment was explained as follows:

Section 4, line 11, after "the student's parent or guardian when the" re-insert "method or program or educational activity reveals" and strike out "purposes to".

In conclusion, **REP. WELLS** said he believed this bill would protect people and OBE and Goals 2000 subjects can be addressed separately.

{Tape: 3; Side: B; Approx. Counter: 611; Comments: n/a.}

EXECUTIVE ACTION ON HB 228

**Motion:** REP. SONNY HANSON MOVED THAT HB 228 DO PASS. HE MOVED HIS FIRST AMENDMENT (HB022801.AEM).

**Discussion:**

REP. HANSON passed out his first amendment and explained it.

REP. SAM KITZENBERG asked about amendment #5 - "duties assigned by law." REP. HANSON said that initially this would be an advisory board but the board would be given specific duties by law, which meant that by 1997 when this is created, the legislative bodies will assign duties to that board that will be performed independent of the governor.

REP. KITZENBERG asked what duties would be left for the superintendent of public instruction. REP. HANSON said there are 33 duties now defined for the superintendent and thought that position would provide service to school boards, connecting for Title I, Title II, and the special education monies. This bill would not affect the duties they have now, but he was talking about the state education commission, not the Department of Education, which would have administrative functions.

REP. KITZENBERG asked if it was his intent for the current duties of the superintendent of public instruction to be transferred to this board. REP. HANSON said it was not, but was addressing the specific duties of the state education commission.

REP. KITZENBERG asked what would happen to the state accreditation standards under this plan and if they would disappear or if new ones would be developed. He said that's a fear he had and was concerned that this plan would eliminate some standards, such as class size, and leave it to the discretion of local boards. He is concerned that with budgetary constraints, schools could increase class size. REP. HANSON said this had nothing to do with accreditation standards.

*{Tape: 4; Side: A; Approx. Counter: 000; Comments: n/a.}*

He continued discussing accreditation standards passed after the 1972 convention. He thought the Board of Public Education under the constitution has the duties of general supervision. He said when they eliminate a department and transfer the duties to a different department, all existing laws follow that department. They do not eliminate anything. He referenced MCA, and said that there is nothing in the elimination of the board of public education that will affect existing statute. He pointed out, however, that there is a Senate bill that will eliminate the control from accreditation standards, but is being done through statute. He said it has nothing to do with HB 228.

**REP. HARRINGTON** said that they are talking about standards, which are made by rulemaking authority and are not in the law. He said they can be changed very quickly. He told **REP. HANSON** that he wasn't pointing out if the superintendent of public instruction had any power. He said no, the superintendent does not have any power, because they are under the department of education, who is under the director appointed by the governor. He said they're taking away all the power from the office of public instruction because there's a director of education. He asked where the power of the superintendent of public instruction is; once there's a director and board, what power would this person have other than sitting on the land board and acting as a figurehead. **REP. HANSON** said he was discussing the amendments.

**REP. HARRINGTON** said the reason he brought it up was the fact that he made a statement regarding duties assigned by law. When the question was asked what duties the superintendent would have, it wasn't answered. **REP. HANSON** said he wasn't talking about the superintendent of public instruction and asked him to think about his testimony. He said he never once mentioned that office. He was talking about the board of public education and the constitution says that the board of education is to exercise general supervision over the public school system and such other duties.

**Vote:** Roll call vote was taken. The motion to adopt the amendment carried 11-7 with **REPS. COCCHIARELLA, HARRINGTON, HEAVY RUNNER, HURDLE, KITZENBERG, SHEA** and **WYATT** voting no.

**Discussion:**

**REP. HANSON** said these amendments are the same as those being put on HB 229 in the Senate.

**Motion:** **REP. HANSON MOVED HIS SECOND SET OF AMENDMENTS.**

**Discussion:**

**REP. HANSON** explained the amendments as allowing the transition so that the commissioner of higher education and members of the board of public education can stay office in until January 1, 2001.

**Vote:** Voice vote was taken. The motion carried 11-7 with **REPS. COCCHIARELLA, HARRINGTON, HEAVY RUNNER, HURDLE, KITZENBERG, SHEA** and **WYATT** voting no.

{Tape: 4; Side: A; Approx. Counter: 245; Comments: n/a.}

**Motion:** **REP. HANSON MOVED HIS THIRD SET OF AMENDMENTS.**

**Discussion:**

**REP. HANSON** said this dealt with the elimination of the superintendent of public instruction from the bill, and it only addressed the board of public education. The board of public education supported this, but had requested that the new education committee have duties assigned by law. This would leave the superintendent of public instruction in the constitution.

**REP. HARRINGTON** said they are taking the superintendent of public instruction out of the bill and while not eliminating the position, they are taking away all the power of the position. He said there will be a director and a commission, and he couldn't believe that he thought he could "slip this through" by saying they're leaving the superintendent in the constitution. She'll be an elected official, but all her power is taken away. He hoped they'd be able to clarify this, but they didn't. They are stripping the superintendent of power and making her a figurehead, because the director will run the education department and he said this constitutional amendment was the silliest thing he ever saw.

*{Tape: 4; Side: A; Approx. Counter: 336; Comments: n/a.}*

**REP. COCCHIARELLA** said her concern with the amendment is that they are taking a system that is working well for Montana and changing it, but not to create efficiency. Instead, it would create duplication in government. She thought with the amendments they were just trying to pass a bill rather than create better and more efficient government. She didn't think this was what the people wanted them to do, and she challenged them to pass the bill and then come back in two years and justify it.

**REP. HURDLE** said she would like to see the bill printed in its entirety because she found it confusing the way it is written, with so many amendments.

**REP. ARNOTT** said she wasn't sure it applied to the amendments, but asked on line 19, page 4, "the commission shall have duties assigned by law." She asked what those duties are.

**REP. HANSON** responded that the duties would be determined by the legislature in 1997. **REP. ARNOTT** said that he said the duties of the commission will be assigned by the 1997 legislature and the duties of OPI, and did he mean the duties of the superintendent of public instruction or of OPI. **REP. HANSON** responded that **REP. HARRINGTON** made the statement that they're taking the duties away from the superintendent of public instruction, whose duties are defined in statute. This is only a constitutional amendment and no duties are taken away from the superintendent. He said what the legislature may take away "down the road" is another matter. Other bills in this session may transfer those duties to the

school district level. He said what can happen in 1997 can happen in 1995 because the authority is there, but for a constitutional amendment they will need a two-thirds vote in the legislature to pass it, then it would be given to the voters.

**REP. ARNOTT** clarified then that this bill would not in any way impact the duties of the superintendent of public instruction.

**REP. HANSON** said that was correct and it would not change any duties in the office of public instruction and would only change the duties of the superintendent if the public accepts it and hands over the issue to the 1997 legislature.

**REP. HARRINGTON** asked **REP. HANSON** who the chief education officer would be if this bill should pass. **REP. HANSON** said that would depend upon legislative direction during the 1997 session. **REP. HARRINGTON** asked again who will be the chief officer. **REP. HANSON** said he didn't know what was meant by chief administrator office, and he personally thought they could have administrative functions similar to the highway commissioners who operate as the chief financial officers and enter into contracts with the department of transportation, run by a director. He said he didn't know what he meant by chief education officer.

**REP. HARRINGTON** asked who the chief education officer is today.

**REP. HANSON** said he couldn't answer that, because there is a board of public education, state board of education, board of regents, and school boards that have supervisory control. "Chief officer to me means a head honcho." **REP. HARRINGTON** asked again who the chief executive officer today, who runs K-12 education in the state of Montana right now. **REP. HANSON** said he still didn't know how to answer that. He repeated his earlier answer and defined the duties of the organizations he mentioned before.

**REP. HARRINGTON** stated that no one is answering this question and said that they all know who runs K-12 education and who is the executive officer and that is the state superintendent of public instruction. "She runs it, she's in charge of it, she's charged with finances, she takes care of this. She's in the constitution, superintendent of public instruction. She's the chief officer." He said this bill would take away the constitutional powers of this office. In essence, what they would be doing is making the governor the chief executive officer and a director would run the program. He said this is ridiculous because once powers are given to the governor's office and a director, they no longer have a superintendent of public instruction, they only have someone who will sit on the land board. He said they should face the fact of what this bill is doing.

{Tape: 4; Side: A; Approx. Counter: 749; Comments: n/a.}

**CHAIRMAN ELLIS** said he's heard this argument over and over again, but the truth is the constitution states that the superintendent of public instruction has supervisory powers over the schools and

the boards have supervision and control. Most of the power that the superintendent of public instruction have are in three pages of the codes in two different statutes. He said they had the power to change those statutes at that meeting, but what they're doing is putting before the electorate a consolidation of most of the education, but it does not include the superintendent of public instruction. Until the statutes are changed, the powers stay the same. He stated that anything else is a distortion of the truth.

**REP. HARRINGTON** commented that this bill would put a director in charge of K-12 education, and if this bill doesn't pass the superintendent of public instruction would continue in this capacity. He stated again that the problem is that what they're doing is taking away the power of OPI to run the department.

**CHAIRMAN ELLIS** asked him to explain how they're putting the board of education over the top of the superintendent of public instruction with this amendment. **REP. HARRINGTON** said the bill states that a director shall have duties assigned by law, so what they're doing is having the governor appoint a director and "there's where your power is."

*{Tape: 4; Side: A; Approx. Counter: 856; Comments: n/a.}*

**REP. HURDLE** cited page 4, lines 13-15, and asked if they were still deleted; she received an affirmative answer. On the bottom of page 4, line 28, where it states "the governor and superintendent of public instruction," she wondered if "superintendent of public instruction" was still crossed off.

**CHAIRMAN ELLIS** said yes. She asked if this meant the superintendent of public instruction would be removed from the land board. **REP. HANSON** clarified that the amendments would delete any reference to the superintendent of public instruction so this person would stay on the land board. This bill would only address the board of public education.

**REP. HURDLE** then asked if the last words on line 28 were not deleted. She then asked about lines 3-8, and if they are deleted. **REP. HANSON** asked her to repeat her question. **REP. HURDLE** asked on page 5, if lines 3-8 are deleted. **REP. HANSON** said they referred to the board of public education and would be deleted as well.

*{Tape: 4; Side: B; Approx. Counter: 000; Comments: n/a.}*

**REP. HANSON** said he thought on page 4 she was referring to the land board, and said it's the board of regents instead. He clarified that the superintendent of public instruction would be eliminated from the board of regents if HB 229 passes and the public votes it in. He addressed **REP. HARRINGTON'S** statements about the chief education officer and said he had a problem when he reads the constitution, which reads "The superintendent of public instruction shall have such duties as provided by law."

Under the board of education it says "There is a board of public education to exercise general supervision over the public school system." To him that meant that the board of public education has the general supervision under the constitution. He said that the duties may have been modified by the legislature over the years.

**REP. HURDLE** asked why, then, they needed a state education commission. **REP. HANSON** replied the commission is necessary so there will be input into the educational system from an entity that is separate from the department of education and also would have input from the legislative body. They can establish the input they want the commission to have.

**Vote:** Roll call vote was taken. The motion to adopt the third Hanson amendment carried 11-7 with **REPS. COCCHIARELLA, HARRINGTON, HEAVY RUNNER, HURDLE, KITZENBERG, SHEA and WYATT** voting no.

**Motion:** **REP. HANSON** MOVED THAT HB 228 DO PASS AS AMENDED.

**Substitute Motion:** **REP. KITZENBERG** MOVED TO TABLE HB 228. **CHAIRMAN ELLIS** reminded **REP. KITZENBERG** that he would not recognize a tabling motion until he was ready.

**REP. WYATT** said he would support the tabling motion and wished to go on record to say that this bill would be a rewrite of the Montana constitution without calling a constitutional convention. It is an act submitting to the electorate without them knowing necessarily, piece by piece, that they are rewriting the constitution specific to how education is supervised and funded. She opposed it.

**REP. COCCHIARELLA** said she served last session on the Select Committee on Workers' Compensation and one of the issues that came up was a bill to take Workers' Comp out of the hands of the legislature, because they felt there was too much government influence and rates were too high for business, and the politics of government interfered with rate-making that would make the system sound. So they passed the "Old Fund Liability Tax to bail the state out of this huge \$490,000,000 debt." She stated that HB 228, putting it to a vote of the people, is putting themselves in the middle of education which has been good in Montana. She said the Workers' Compensation program was a mess because of too much government influence and she blamed former Governor Ted Schwinden for abusing Workers' Comp when it was politically popular by suppressing rates for certain people and industries, as done by other governors. This legislation is asking for the same kind of trouble in education. She asked if they really want governors running education and said "look what we did to Work Comp." She said this move would not be understood by the people. Politics does not have a place in education and their kids don't deserve that kind of treatment.

{Tape: 4; Side: B; Approx. Counter: 207; Comments: n/a.}

REP. HARRINGTON predicted what the people of Montana would look at when they go to the polls. "If you want to see smoke, this is the biggest smoke I've ever seen in my life." They're replacing the board of education and public education with a department of education. He said it's the biggest farce he's ever seen. He said the bill would get rid of the superintendent of public instruction, but the bill doesn't say that because they know it would be controversial.

Motion/Vote: REP. KITZENBERG AGAIN MOVED TO TABLE HB 228. A roll call vote was taken. The motion failed 7-11 with REPS. COCCHIARELLA, HARRINGTON, HEAVY RUNNER, HURDLE, KITZENBERG, SHEA and WYATT voting yes. CHAIRMAN ELLIS asked the committee if they could reverse the vote as a do pass as amended. The motion do pass as amended for HB 228 carried 11-7.

{Tape: 4; Side: B; Approx. Counter: 302; Comments: n/a.}

#### EXECUTIVE ACTION ON HB 201

Motion: REP. KITZENBERG MOVED THAT HB 201 DO PASS. HE THEN MOVED THE AMENDMENTS.

#### Discussion:

REP. MATT DENNY stated that he could not vote on the amendment because he sells technology equipment to schools and there would be a conflict of interest. He abstained from all votes on this bill.

Vote: Voice vote was taken. The motion carried 10-7 with REPS. COCCHIARELLA, HARRINGTON, HEAVY RUNNER, HURDLE, SHEA, SIMPKINS and WYATT voting no.

Motion: REP. KITZENBERG MOVED THAT HB 201 DO PASS AS AMENDED.

#### Discussion:

REP. ARNOTT asked for a clarification on the board feet amount. CHAIRMAN ELLIS said there was quite a lot of discussion in the Natural Resources Committee and said it is in the bill for the purpose of preventing delay in the study. He said sales would not be marked until October 1995 and wouldn't be sold until the following summer. The 50,000 board feet is in the bill to prevent lawsuits as far as coming up with a more realistic figure in the results of the study.

REP. BILL REHBEIN said he heard Bud Clinch, Commissioner, DSL, say that 55 million board feet was sustainable, and 50 million board feet is more sustainable when in the last two or three years they've been at about 20 million board feet.

REP. ARNOTT said she wondered about the sustainable yield and thought it was a flexible term when it can be 2 million board feet either way. She thought it was restrictive to have the board feet in the bill the way it is. CHAIRMAN ELLIS said Mr. Clinch didn't anticipate being able to meet a finite cut every year, because even if they mark the timber and they get a bid on it, they may not be able to sell it because there might be a lawsuit on the different sales or other factors that may delay timber sales.

REP. ARNOTT wondered what the 9 FTE are for as shown in the fiscal note. CHAIRMAN ELLIS said Mr. Clinch stated that with the available staff, he could cut 40 million board feet, but could not mark and cut with existing staff. He said they would need to do environmental assessments on each cut and wouldn't be able to mark and cut the additional board feet unless they hired more staff.

REP. COCCHIARELLA asked for clarification on the meaning of the vote they would be taking on the bill. She said it was already voted on by one committee (Natural Resources), then they had a hearing where they would only hear the amendment, and then got that straightened out, and they were hearing the bill again. She asked what the purpose of their vote was.

*{Tape: 4; Side: B; Approx. Counter: 531; Comments: n/a.}*

CHAIRMAN ELLIS said once the bill is committed to the committee it can be killed, and he believed the meaning of the vote was to designate it to the House floor. It was on the House floor, but did not have the amendment. The original amendment was more complex than the one they were considering that day. He thought it would take too much floor time to go through the amendment and the bill, and the committee should have the opportunity to discuss it at length.

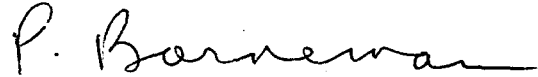
Vote: Voice vote was taken. The motion carried 10-7 with REPS. COCCHIARELLA, HARRINGTON, HURDLE, SHEA, SIMPKINS, and WYATT voting no.

ADJOURNMENT

Adjournment: Approximately 7:20 p.m.



ALVIN ELLIS, JR., Chairman



PATTI BORNEMAN, Recording Secretary

AE/pb

# HOUSE OF REPRESENTATIVES

## Education

ROLL CALL

DATE 2-6-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Alvin Ellis, Jr., Chairman	X		
Rep. Peggy Arnott, Vice Chairman, Majority	X		
Rep. Vicki Cocchiarella, Vice Chair, Minority	X		
Rep. Matt Denny	X		
Rep. Sonny Hanson	X		
Rep. Dan Harrington	X		
Rep. George Heavy Runner	X		
Rep. Jack Herron	X		
Rep. Joan Hurdle	X		
Rep. Bob Keenan	X		
Rep. Sam Kitzenberg	X		
Rep. Gay Ann Masolo	X		
Rep. Norm Mills			X
Rep. Bill Rehbein	X		
Rep. Sam Rose	X		
Rep. Debbie Shea	X		
Rep. Dick Simpkins	X		
Rep. Diana Wyatt	X		

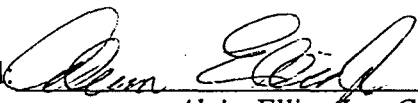


## HOUSE STANDING COMMITTEE REPORT

February 7, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 228 (first reading copy -- white) do pass as amended.

Signed:   
Alvin Ellis, Jr., Chair

And, that such amendments read:

1. Title, line 6.

Strike: the first "ARTICLE" through the second "AND"

2. Title, line 7.

Strike: "SECTIONS 4 AND"

Insert: "SECTION"

3. Title, line 8.

Following: the first "EDUCATION"

Strike: ", "

Insert: "AND"

Following: the second "EDUCATION"

Strike: remainder of line 8

4. Title, lines 9 through 11.

Following: second "EDUCATION" on line 9

Strike: "ADVISORY"

Following: "COMMISSION;" on line 9

Strike: remainder of 9 line through "COMMISSIONERS;" on line 11

5. Title, line 11.

Following: "COMMISSIONERS;"

Insert: "PROVIDING TRANSITIONAL INSTRUCTIONS;"

Following: "PROVIDING"

Strike: "A DELAYED"

Insert: "AN IMMEDIATE"

Committee Vote:

Yes 11, No 7.

321325SC.Hbk

Following: first "DATE"  
Strike: "AND AN APPLICABILITY DATE"

6. Page 1, line 15 through page 4, line 9.  
Strike: sections 1 through 8 in their entirety  
Renumber: subsequent sections

7. Page 4, line 12.  
Following: "education"  
Strike: "advisory"

8. Page 4, line 18.  
Following: "education"  
Strike: "advisory"  
Following: "appointed"  
Insert: "by the governor and confirmed by the senate"

9. Page 4, lines 19 and 20.  
Following: "staggered" on line 19  
Strike: ", 7-year"  
Following: "terms" on line 19  
Strike: "by the governor"  
Insert: ", as provided by law"  
Following: "shall" on line 19  
Strike: remainder of line 19 through "education" on line 20  
Insert: "have duties assigned by law"

10. Page 5, line 10.  
Strike: "-- applicability"

11. Page 5, lines 11 and 12.  
Following: "approval" on line 11  
Strike: remainder of line 11 through "2001" on line 12

12. Page 5, line 13.  
Insert: "NEW SECTION. Section 3. Transition. Upon passage and approval, the governor may create a department of education as provided in Article X, section 9(1). The department may exercise statutorily assigned duties. The state board of education and the board of public education shall continue to perform duties that were constitutionally assigned until January 1, 2001. The terms of office and appointments to these boards remain in effect until January 1, 2001."

Renumber: subsequent section

13. Page 5, lines 17 and 18.  
Following: "boards of education" on line 17

February 7, 1995

Page 3 of 3

Strike: ",",

Insert: "and"

Following: the second "education" on line 17

Strike: remainder of line 17 through "instruction" on line 18

14. Page 5, line 18.

Strike: "advisory"

15. Page 5, lines 19 and 20.

Following: "boards of education" on line 19

Strike: ",",

Insert: "and"

Following: the second "education" on line 19

Strike: remainder of line 19 through "instruction" on line 20

Strike: "advisory" on line 20

-END-

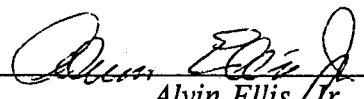


## HOUSE STANDING COMMITTEE REPORT

February 7, 1995

Page 1 of 4

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 201 (first reading copy -- white) do pass as amended.

Signed:   
Alvin Ellis, Jr., Chair

And, that such amendments read:

1. Title, line 7.

Strike: "AND"

Following: "YIELD"

Insert: "; PROVIDING THAT A PORTION OF INCOME FROM SUSTAINABLE YIELD FROM SCHOOL TRUST LAND BE USED TO FUND SCHOOL TECHNOLOGY; AMENDING SECTION 20-9-343, MCA; AND PROVIDING AN EFFECTIVE DATE"

2. Page 1, line 27.

Insert: "Section 4. Section 20-9-343, MCA, is amended to read:

"20-9-343. Definition of and revenue for state equalization aid. (1) As used in this title, the term "state equalization aid" means the account in the state special revenue fund that receives revenue as required in this section plus any legislative appropriation of money from other sources for:

(a) distribution to the public schools for the purposes of payment of systems development and other related costs resulting from the enactment of legislation that requires changes to the automated system used to administer the BASE funding program, guaranteed tax base aid, BASE aid, state reimbursement for school facilities, ~~and~~ matching funds for the systemic initiative for Montana mathematics and science grant, and grants for school technology purchases;

(b) negotiated payments authorized under 20-7-420(3) up to \$500,000 per biennium; and

Committee Vote:

Yes 10, No 7.

321321SC.Hbk

(c) the Montana educational telecommunications network as provided in 20-32-101.

(2) The superintendent of public instruction may spend funds appropriated from the state equalization aid account as required for the purposes of systems development and other related costs resulting from the enactment of legislation that requires changes to the automated system used to administer the BASE funding program, guaranteed tax base aid, BASE aid for the BASE funding program, state reimbursement for school facilities, negotiated payments authorized under 20-7-420(3), and the Montana educational telecommunications network, ~~throughout the biennium, and for the biennium beginning July 1, 1993,~~ equipment purchases that qualify as the state match for the systemic initiative for Montana mathematics and science grant, and school technology purchases, throughout the biennium.

(3) The following must be paid into the state equalization aid account for the public schools of the state:

(a) money allocated to state equalization from the collection of the severance tax on coal;

(b) money received from the treasurer of the United States as the state's shares of oil, gas, and other mineral royalties under the federal Mineral Lands Leasing Act, as amended;

(c) (i) subject to subsection (3)(c)(ii), interest and income money described in 20-9-341 and 20-9-342;

(ii) an amount of money equal to 90% of the income money attributable to the difference between the 1994 timber harvest from state lands and the sustainable yield provided in [section 2(2)] may be appropriated for purposes of [section 5];

(d) money received from the state equalization aid levy under 20-9-360;

(e) income from the lottery, as provided in 23-7-402;

(f) the surplus revenues collected by the counties for BASE funding program support according to 20-9-331 and 20-9-333; and

(g) investment income earned by investing money in the state equalization aid account in the state special revenue fund.

(4) The superintendent of public instruction shall request the board of investments to invest the money in the state equalization aid account to maximize investment earnings to the account.

(5) Any surplus revenue in the state equalization aid account at the end of a fiscal year must be transferred to the general fund."

NEW SECTION. **Section 5. Technology acquisition fund -- limitations.** (1) The trustees of a district may establish a technology acquisition fund for school district expenditures incurred for the purchase, rental, repair, and maintenance of technological equipment, including computers and computer network

access.

(2) The trustees of a district shall fund the budget for the technology acquisition fund by transferring money from the district general fund and with the state money received under [section 6].

(3) Whenever the trustees of a district determine that an amount of revenue is required for a technology acquisition fund budget, the trustees shall:

(a) when the trustees establish the fund, adopt a resolution stating the reasons and purpose for financing a technology acquisition fund budget;

(b) adopt a budget for the amount required for the technology acquisition fund that does not exceed 2% of the school district's total general fund budget adopted for the ensuing school fiscal year; and

(c) report the technology acquisition fund budget to the county superintendent on the regular budget form prescribed by the superintendent of public instruction in accordance with 20-9-103.

(4) The trustees of a district may not use revenue in the technology acquisition fund to finance contributions to the teachers' retirement system, the public employees' retirement system, or the federal social security system or for unemployment compensation insurance.

NEW SECTION. **Section 6. School technology purchases.** The superintendent of public instruction shall allocate the amount appropriated for grants for school technology purchases to each district based on the ratio that each district's BASE budget bears to the statewide BASE budget amount for all school districts multiplied by the amount of money provided in 20-9-343(3)(c)(ii) in the current school year."  
Renumber: subsequent section

3. Page 1, line 28.

Strike: "instruction"

Insert: "instructions"

Following: "."

Insert: "(1)"

4. Page 2, line 1.

Following: page 1, line 30

Insert: "(2) [Sections 5 and 6] are intended to be codified as an integral part of Title 20, chapter 9, and the provisions of Title 20, chapter 9, apply to [sections 5 and 6].

NEW SECTION. **Section 8. Effective date.** [This act] is effective July 1, 1995."

February 7, 1995  
Page 4 of 4

-END-

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### Education Committee

DATE 2/6/95 BILL NO. 201 NUMBER 2

MOTION: Kitzenberg moved do pass  
as amended

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman		
Rep. Peggy Arnott, Vice Chairman, Majority		
Rep. Vicki Cocchiarella, Vice Chairman, Minority		X
Rep. Matt Denny - <i>abstained</i>	<del>_____</del>	
Rep. Sonny Hanson		
Rep. Dan Harrington		X
Rep. George Heavy Runner		X
Rep. Jack Herron		
Rep. Joan Hurdle		X
Rep. Bob Keenan		
Rep. Sam Kitzenberg		
Rep. Gay Ann Masolo		
Rep. Norm Mills		
Rep. Bill Rehbein		
Rep. Sam Rose		
Rep. Debbie Shea		X
Rep. Dick Simpkins		X
Rep. Diana Wyatt		X

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### Education Committee

DATE 2/6/95 BILL NO. 201 NUMBER           

MOTION: Rep. Kitzenberg moved do pass.

Then moved amendments.

Voice vote

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman	X	
Rep. Peggy Arnott, Vice Chairman, Majority	X	
Rep. Vicki Cocchiarella, Vice Chairman, Minority		X
Rep. Matt Denny - abstained due to conflict of interest		
Rep. Sonny Hanson	X	
Rep. Dan Harrington		X
Rep. George Heavy Runner		X
Rep. Jack Herron	X	
Rep. Joan Hurdle		X
Rep. Bob Keenan	X	
Rep. Sam Kitzenberg	X	
Rep. Gay Ann Masolo	X	
Rep. Norm Mills	X	
Rep. Bill Rehbein	X	
Rep. Sam Rose	X	
Rep. Debbie Shea		X
Rep. Dick Simpkins		X
Rep. Diana Wyatt		X

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### Education Committee

DATE 2-20-95 BILL NO. 228 NUMBER 1

MOTION: Hanson - Do Pass  
Amendments #1

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman	X	
Rep. Peggy Arnott, Vice Chairman, Majority	X	
Rep. Vicki Cocchiarella, Vice Chairman, Minority		X
Rep. Matt Denny	X	
Rep. Sonny Hanson	X	
Rep. Dan Harrington		X
Rep. George Heavy Runner		X
Rep. Jack Herron	X	
Rep. Joan Hurdle		X
Rep. Bob Keenan	X	
Rep. Sam Kitzenberg		X
Rep. Gay Ann Masolo	X	
Rep. Norm Mills	X	
Rep. Bill Rehbein	X	
Rep. Sam Rose	X	
Rep. Debbie Shea		X
Rep. Dick Simpkins	X	
Rep. Diana Wyatt		X

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17

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### Education Committee

DATE 2-6-95 BILL NO. 228 NUMBER \_\_\_\_\_

MOTION: Rep. Hanson moved.  
Amendments #2

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman	X	
Rep. Peggy Arnott, Vice Chairman, Majority	X	
Rep. Vicki Cocchiarella, Vice Chairman, Minority		X
Rep. Matt Denny	X	
Rep. Sonny Hanson	X	
Rep. Dan Harrington		X
Rep. George Heavy Runner		X
Rep. Jack Herron	X	
Rep. Joan Hurdle		X
Rep. Bob Keenan	X	
Rep. Sam Kitzenberg		X
Rep. Gay Ann Masolo	X	
Rep. Norm Mills	X	
Rep. Bill Rehbein	X	
Rep. Sam Rose	X	
Rep. Debbie Shea		X
Rep. Dick Simpkins	X	
Rep. Diana Wyatt		X

11 17

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### Education Committee

DATE 2-6-95 BILL NO. 228 NUMBER 3

MOTION: Hanson  
Amendment #3 Tape 4, Side B

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman	X	
Rep. Peggy Arnott, Vice Chairman, Majority	X	
Rep. Vicki Cocchiarella, Vice Chairman, Minority		X
Rep. Matt Denny	X	
Rep. Sonny Hanson	X	
Rep. Dan Harrington		X
Rep. George Heavy Runner		X
Rep. Jack Herron	X	
Rep. Joan Hurdle		X
Rep. Bob Keenan	X	
Rep. Sam Kitzenberg		X
Rep. Gay Ann Masolo	X	
Rep. Norm Mills	X	
Rep. Bill Rehbein	X	
Rep. Sam Rose	X	
Rep. Debbie Shea		X
Rep. Dick Simpkins	X	
Rep. Diana Wyatt		X

11 / 7

# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### Education Committee

DATE 2-6-95 BILL NO. 228 NUMBER 1

MOTION: Kitzenberg moved to table

Failed - Vote reversed for a

No pass as amended

NAME	AYE	NO
Rep. Alvin Ellis, Jr., Chairman		X
Rep. Peggy Arnott, Vice Chairman, Majority		X
Rep. Vicki Cocchiarella, Vice Chairman, Minority	X	
Rep. Matt Denny		X
Rep. Sonny Hanson		X
Rep. Dan Harrington	X	<del>X</del>
Rep. George Heavy Runner <i>PROXY</i>	X	
Rep. Jack Herron		X
Rep. Joan Hurdle	X	
Rep. Bob Keenan <i>PROXY</i>		X
Rep. Sam Kitzenberg	X	
Rep. Gay Ann Masolo		X
Rep. Norm Mills		X
Rep. Bill Rehbein		X
Rep. Sam Rose		X
Rep. Debbie Shea	X	<del>X</del>
Rep. Dick Simpkins		X
Rep. Diana Wyatt	X	

17

11

2/6/95

+ on 228 amendment #1, #2, #3  
+ on entire bill  
+ TABLE - NO 117

[NO on amendment  
to 201  
NO ON DO PASS  
201

Rep Matt Denny has my proxy

to vote me as he votes on

all amendments and bills considered

during executive action of the Education  
Committee. Link denixbus

Amendments to House Bill No. 228  
First Reading Copy

Requested by Representative Hanson  
For the House Committee on Education and Cultural Resources

Prepared by Eddy McClure  
February 6, 1995

1. Title, line 9.  
Following: second "EDUCATION"  
Strike: "ADVISORY"
2. Page 4, line 12.  
Following: "education"  
Strike: "advisory"
3. Page 4, line 18.  
Following: "education"  
Strike: "advisory"  
Following: "appointed"  
Insert: "by the governor and confirmed by the senate"
4. Page 4, line 19.  
Following: "staggered"  
Strike: ", 7-year"  
Following: "terms"  
Strike: "by the governor"  
Insert: ", as provided by law"
5. Page 4, lines 19 and 20.  
Following: "shall" on line 19  
Strike: remainder of line 19 through "education" on line 20  
Insert: "have duties assigned by law"
6. ~~Page 5, line 11.~~  
~~Strike: "on passage and approval"~~  
~~Insert: "January 1, 2001,"~~
7. Page 5, line 18.  
Strike: "advisory"
8. Page 5, line 20.  
Strike: "advisory"

EXHIBIT 1  
DATE 2-16-95  
B. 17B 307

A STUDENT'S THOUGHTS ON H.B. 367  
Testimony before the House Education Committee

The desire to please their parents is built into every child. What parents talk about, make time for, and otherwise demonstrate as their priorities quite naturally are seen as important by their children. To gain parental approval and feel good about themselves, children will do those things they know their parents want them to do.

Going to school because it's the law doesn't motivate me nearly as much as knowing it pleases my parents. It's important to them that I grow into a confident adult who can take care of myself in an adult world. They have a personal stake in the success of my education and are directly involved in what I am learning and who I am becoming.

I've heard it said that it is the state's responsibility that its children be educated. I don't know who the state is. I have no personal relationship with it. But I know who my parents are and that they care about me.

Not everyone's parents may be taking their responsibility as seriously as mine are. This bill should serve to remind them of who **their** children belong to and who should supervise their schooling. Their kids will feel good about it and, I think, be better students as a result.

Caroline Koopman

02/06/95

Some Thoughts on Compulsory Attendance  
(compiled by Roger Koopman)

EXHIBIT 2  
DATE 2-10-95  
B HB 367

"Our compulsory school attendance stand in the way of good education. They should be relaxed, amended, repealed or overturned in the courts... The schools can be in the jail business or in the education business, but not both. The laws help nobody, not the schools, not the teachers, not the children... Every teacher knows that any kid in class who, for whatever reason, would rather not be there, not only doesn't learn anything himself but makes learning harder for anyone else... For many kids not going to college, school is just a useless time-wasting obstacle preventing them from earning needed money or doing some useful work, or even doing some true learning."

John Holt  
noted education authority

"The compulsory attendance laws are the justification for government control over the standards of private schools. But it is far from clear that there is any justification for the compulsory attendance laws themselves. My views on this have changed over time... research that has been done on the history of schooling in the United States, the United Kingdom and other countries has persuaded me that compulsory attendance at schools is not necessary..."

Dr. Milton Friedman  
Nobel Laureate

"The present law that makes it compulsory for a child to attend school between the ages of five and fifteen does little to enhance the status of children or lead them to a self-regulating life. Compulsion of this kind would be totally unacceptable for adults in the so-called free world. Why should it be acceptable in relation to children?

Nan Berger  
children's advocate

"Compulsory attendance laws in America have been chiefly remarkable for their utter failure to accomplish any of the results expected of them. Of (all) the American states and territories which have compulsory laws on their statute books, not a single one has been able to report 'they are a success.' The same is true on similar laws in many other countries."

E. L. James  
political scientist

"The students (at his school) were not compelled to show up every day. No matter how much freedom exists in a public school, the teacher must still play the role of enforcer of the compulsory attendance laws. Students who don't show up are chased down like criminals by truant officers. There is no way for a teacher to feel free under this pressure....Lack of compulsion is really the essence of free education."

Herbert Kohl  
The First American Street School

"If we want our children locked up all day until they're sixteen, let's at least be honest about it and stop trying to pass off imprisonment as education....It would be well if we stopped lying to ourselves about what compulsory schooling does to our children. It temporarily imprisons them; it standardizes them; it intimidates them. If that's what we want, we should admit it."

Jerry Farber  
author on education

"Education is a seeking, probing, taking-from process, and the initiative must rest with the seeker. By contrast, coercion (compulsory attendance) is clearly not a creative force; it is, by definition, repressive and destructive. Force can no longer be used to stimulate the spirit of inquiry or advance wisdom or expand consciousness or increase perception than it can be employed to improve prayer -- and for precisely the same reason."

Leonard Read  
pres, Found. for Econ. Education

"Never was there a system of laws (compulsory attendance) with more noble intent. But few laws have had more questionable results. They have turned out to be a very great blow struck to our youth, for they have made a portion of our young people spend years of their time in an environment altogether unsuited to them, and by making the schools take these people they have transformed the schools into institutions that can't do the best work for the portion that really belong in school."

Willis Nutting  
author/education authority

"Agitators and legislators have united in spreading a theory which, logically followed out, ends in the monstrous conclusion that it is for parents to beget children and for society to take care of them. The political ethics now in fashion makes the unhesitating assumption that while each man, as parent, is not responsible for the mental culture of his own offspring, he is, as citizen, along with other citizens, responsible for the mental culture of all other men's offspring."

Herbert Spencer  
British philosopher

"(compulsory state education) is the socialization of the child. If the state can own and socialize our children, then it can most certainly own and socialize our property. We cannot legitimately surrender our children to the state, and then claim the right to withhold our property. The major concession makes the objection to the lesser absurd, an instance of misplaced values."

Dr. Rousas Rushdoony  
The Rutherford Institute

"The key issue is simply this: shall the parent or the state be the overseer of the child? There is no middle ground on this issue. One or the other must exercise ultimate control."

Dr. Murray Rothbard  
professor of economics

February 6, 1995  
Arlette Randash  
HB 367

I rise on behalf of myself and family members who for deeply held patriotic and religious beliefs have chosen to home school their children.

One need not have a lively imagination to anticipate the political incorrectness of supporting HB 367. However, our cultures' indicators do not give credence that compulsory education has stamped out illiteracy, stemmed the tide of moral decline, nor kept a growing number of families from welfare dependency.

In spite of that, we support HB 367 because it is an attempt to reestablish the legal recognition that children are a gift given by God to parents. Members of my family educate their children at home because as devout Roman Catholics we hold "The right and duty of parents to give education is essential, since it is connected with the transmission of human life; .....on account of the uniqueness of the loving relationship between parents and children; and it is irreplaceable and inalienable, and therefore incapable of being entirely delegated to others or usurped by others."(p. 59) "The right of parents to choose and education in conformity with their religious faith must be absolutely guaranteed." (Pope John Paul II encyclical entitled "Familiaris Consortio" p. 65.)

People across this state whether they choose to home school or have their children educated in our public school systems need the protections in HB 367: that their children will not be compelled to attend classes or activities that would be found offensive to their families deeply held beliefs and the legal recognition that the parents possess the inalienable right to educate their children and may choose to delegate that to a school of their choice, they do not derive that right from the state.

## TESTIMONY IN SUPPORT OF HB 367

Given to the Committee on Education of the House of the State of Montana  
by Jack Murphy, Polson February 6, 1995

House Bill 367, entitled **Parental Rights in Education**, is basically a bill recognizing the sovereign right of parents to oversee the education and training of their own children without infringement by the state. The **mechanism** of the bill is simple, and it greatly simplifies Montana statutory law: repeal and delete the statutes compelling parents to enrol their children in a school. The **rationale** of the bill is twofold: fundamental and practical. **Fundamentally**, the rationale is that parents have a God-granted right, authority, and responsibility to the training of the children which He has granted them; no legislation should attempt to usurp this authority. **Practically**, the compulsory attendance statute brings honest, God-fearing citizens into conflict with the armed force of the state; the statute further generates the perpetual attention of the legislature to the positioning of the line between state regulation on the one hand and parental latitude in the upbringing of their children on the other, a conflict that needlessly drains the energies and resources of both the state collectively and the parents individually.

In considering the fundamental right of parents respecting their children, one does not find this right enumerated as such in the Bill of Rights or other documents. However, Amendment Nine of the Bill of Rights points out that there are other rights than those mentioned which are also to be protected by - not abridged by - governments; surely parental authority over their children is one such right. Furthermore, the first amendment specifically mentions the rights of free exercise of religion and of freedom of speech. Education, bearing as it does on questions of epistemology, truth, purpose, moral values, and origins, is an aspect of religious exercise and is intimately involved with freedom of thought and expression. Education thus falls under First Amendment purview so that no law is to be forged countermanding its free exercise. Some parents, committed to the idea that rights are God-granted, secured by the state, and not subject to infringement by legislation find themselves unwilling to be subject to this sort of statutory law. This needlessly brings innocent, God-fearing, productive citizens into conflict with an armed and power-hungry state.

Compulsory attendance statutes burden the rights of children as well as the rights of parents. Children innocent of criminal activity are basically forced into involuntary servitude resembling prison sentence. Under these laws, the state uses force or threat of force to compel both parents and children to see to the child's enrollment in school. The parents have no choice in the matter and neither does the child. Thus, the statute does not protect the child's liberty; it simply replaces parents with the state as the authority over the child. Such a displacement of authority is tyrannical and unconscionable.

This bill has as its effect the liberating of private education and not the reducing of the authority of public schools over children entrusted to them by their parents. No one would be harmed by this legislation; it would serve primarily to clarify the line separating private education from public education by recognizing the two distinct authorities. Government may exercise no authority in this arena except over children voluntarily entrusted to them by parents.

The greatest tension caused by the compulsory enrollment statute is that between private educators, who do not delegate authority over their children to the state, and public officials and organizations who are perpetually attempting through sponsored legislation or bureaucratic intervention to bring private educating families under burdensome regulations. Repeal of the compulsory enrolment statute would defuse this tension altogether, enabling private education to flourish in peace and liberty and freeing public educators to focus on the demands of educating those children entrusted to them.



In considering the testimony of Rep. Peck in opposition to HB 367 (Parental Rights in Education -Jore) in the hearing Feb. 6, I would like for you to consider two factors

- Rep. Peck interwove arguments in favor of public schooling with arguments in favor of compulsory attendance, with an emphasis on the former. HB 367 does not deal with public school attendance, but with compulsory attendance. It is a matter of parental authority vs. state authority.
- Rep. Peck referred to Jesus' statement "Render unto Caesar the things that are Caesar's" in appealing to parents to be obedient and subservient to the state regarding their children. Please consider the rest of the statement: "and unto God the things that are God's." As Jesus pointed out, Caesar's image is stamped on the coin, thus it is alright to pay taxes to Caesar; God's image, however, is stamped on people (Genesis 1:26-27), including me and my children. I will render my children only unto God.

*-Jack Murphy  
Polson, Montana*

EXHIBIT 3 5  
DATE 2-6-95  
R. HB 367

Mr. Chairman, members of the House Education Committee:

For the record, my name is Laurie Koutnik, Executive Director of Christian Coalition of Montana, our state's largest family advocacy organization, and I rise in support of HB 367.

In 1837, Horace Mann enacted state legislation in Massachusetts patterned after a Prussian model that took education out of the realm of local control into the hands of the state. This simple act altered the course of American education. No longer would parents be free to decide in what manner their children would be educated. Now the state owned and controlled schools, using compulsory attendance for it's own social and political purposes. Tax dollars would be levied to educate everyone's child. Slowly the right of parents in their childrens' education has corroded away. As the state assumed the responsibility, all too well intentioned parents found it hard to recapture the role they were designed to fill . . . their child's first and foremost teacher. Now the teacher has become the final authority on every issue, causing children to challenge their parents and forsake their advice and wisdom. I'll never forget how my heart broke to hear my six-year-old tell me I was wrong in the method I arrived at an answer because that wasn't the way the teacher said to do it.

The issue today is simple. Whose responsibility is it for the education and training of children? Is it the state's or the parents? We contend it is and always has been the parents right and responsibility. With 24 million functional illiterates in the United States today, we can hardly say compulsory education is a success. In Montana sixteen percent of students never graduate, but fall through the cracks.

Let's continue to support the responsibility of parents in the decisions facing their childrens' educational needs. Give HB367 your full consideration.

Submitted: 2-6-95

Laurie Koutnik, Executive Director  
Christian Coalition of MT

Testimony for House Bill 367  
By Jessica Murphy  
2886 Wilderness Valley Road  
Polson, Montana 59860  
(406) 849-5413

I am an 18 year old student. I've been home-educated all my life. When I was younger my parents outlined specific courses of study for me in several different subjects, encouraging all the while my individual interests and abilities. In my last few years they have grown more toward the position of *facilitator* rather than teacher. With their help I have outlined a course of study, concentrating on both a list of basic skills I felt necessary (math, typing, science and spelling. . .) and on my specific interests (history, law, physiology, philosophy. . .) as facilitators my parents often teach me in certain areas (chemistry, bread-baking. . .), but more often they help me connect with people or materials from which I can learn.

Although I've been homeschooled all my life, I've had many friends who are enrolled in public schools. On occasion I've visited the schools with them for a day, and I've always been quite impressed with the wealth of resources available there. My friends have access to dozens of teachers - people who know just about anything they might want to learn, who are dedicating their days to being available to teach it. Thousands of books - hundred of computers. . . it's so exciting to look at the resources they have available to them!

Then I look at my friends - the fun, intelligent, eager people I came in with, and something has happened! They've changed into a grey, bored, disruptive- apparently stupid- herd of kids. The teachers (and some of the "weird" kids) try- they try to impart and to receive some of the wealth of knowledge that is at their finger tips, but it's not long before school degenerates into a sort of day care- trying desperately to keep discipline and order in a room with 30 dis-interested kids. What went wrong? I don't think that it's the teachers; most of them are dedicated to teaching and can do it well if given half a chance. I don't think it's the kids; most of them are eager to learn and quite apt until they go through those doors. I think it's the compulsory attendance statute. Students who have been spoon-fed an education get to a point where they just aren't hungry anymore, and they'll start to reject the food- not out of rebellion, but just because they have lost interest in it.

On the other hand, a student who has a tantalizing dish of knowledge placed on the table in front of him when he's young will learn to enjoy it to the extent that when he's older he'll climb a mountain, cross an ocean - in pursuit of that knowledge.

If there are actually children anywhere who have absolutely no desire to learn or to succeed - in anything, I certainly have yet to meet them.

For the last several months I've spent my afternoons teaching in the first, second and third grades in a Christian Academy in our valley. I really enjoy

being there and working with the kids, but it's been frustrating to see some of them deciding for the first time that "school" is boring. And because in our society "school" and "education" have become synonymous, they lose interest in learning.

Since children are individuals, they learn in different ways, and at different speeds. Not all children have an interest in learning to "connect the dots" although if left to their own devices they would have a wonderful time creating a work of art with nothing but a pencil and paper. In the same way, a child who balks at "filling in the blanks" day after day (year after year!) during history class, may find upon entering the "real world" that learning, even studying, history can be exciting when you have the desire to do so.

I think that if the compulsory attendance statute is repealed, the immediately visible changes in the public education system will be quite small (most parents would continue to delegate the authority for their childrens' education to the State). However - my hope is that (in the unrestricted private sectors at least) "Learning Centers" would develop to take the place of schools. Centers that would make teachers and equipment available for the facilitation of the *students'* pursuit of knowledge.

All members of a community could then benefit from the resources available there. Any spark of desire for knowledge or success could be fanned into a flame, and students would not have learned just facts and figures, but also the skill of setting goals and achieving them, the *ability to learn*.

"You can lead a horse to water but you can't make him drink." Think about it; if a person has a desire to learn, you can't stop him, and he'll use any resources available. On the other hand, if a person really has no interest in anything (I don't think such a person exists) you won't be able to force an education on him anyway.

I encourage you to repeal this compulsory attendance statute that is damaging the quality of so many young people's lives every year.

Vote "YES" on House Bill 367.

TESTIMONY TO HOUSE EDUCATION COMMITTEE

February 6, 1995

I wish to testify in support of HB 367, concerning compulsory attendance of all children in school.

Over one hundred years of compulsory attendance law in this state has not assured that we have a literate populace. Sitting in a classroom from age seven to age sixteen does not make one a literate adult, any more than sitting in a garden makes one a vegetable.

Over the years we have seen the education community seek to solve the problems in education with more money, more hours in the school day, more days in the school year, or even suggestions of more years added to the compulsory attendance law.

The bottom line is, education happens when there is a desire to learn, and a desire to learn grows out of a home atmosphere of seeking knowledge or answers. As the context of the bill states, "the parents are responsible." (lines 29 & 30, page 1)

I urge you to pass this bill into law. Contrary to the concerns of public school advocates, I believe this bill, if made law, would relieve much of the burden on the schools. If children are in school to learn, the teachers can spend more time teaching and less time in classroom management. If the responsibility for the students being there lies with the parents, the discipline problems will be more easily dealt with, since students will be accountable to their parents as well as the teacher for their behavior. It is a financial benefit as well, because the problems in education will be addressed not by asking for more money and hours, but by acknowledging the shared role of parents and schools in educating children.

Respectfully submitted,

Ron and Nell Baar  
10787 Little Holland Road  
Manhattan, MT 59741

EXHIBIT 8

DATE 2-6-95

B. HB 367

Roland and Lisa Morris  
10207 Wheatland Rd.  
Moiese, Montana 59824  
(406) 644-2403

February 2, 1995

To our Honorable Legislators;

I am writing in support of HB 367.

We are a family of seven, living in Western Montana.

We would prefer that all of our parental responsibilities remain in our own hands.

We cannot concede to it being any other way.

Thank you,

Roland and Lisa Morris

EXHIBIT

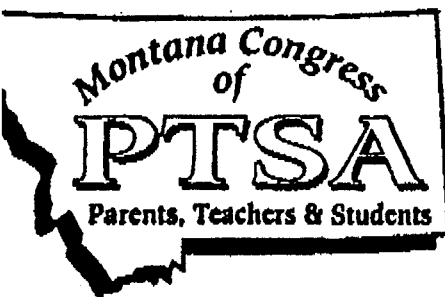
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DATE

2/6/95

HB

369



TO: MONTANA LEGISLATURE - HOUSE EDUCATION COMMITTEE  
FR: JEAN CURTISS, MONTANA PTSA/PTA LEGISLATIVE CHAIR  
DATE: FEBRUARY 6, 1995  
RE: HB 367

My name is Jean Curtiss. I am the Legislative Chair for the Montana PTSA/PTA. I speak for the 11,000 members of PTA in Montana. The Montana PTSA opposes HB 367 - An act to abolish compulsory enrollment in school.

The Montana PTSA and the National PTA have long been supporters of educating ALL children and youth of our state and nation. Education is the key to preparing our children for the future. Current laws in Montana allow parents to choose to home school their children or place them in private schools. HB 367 is not necessary to protect a parent's right to choose where or how they want their child to be educated. The current laws do, however, require that a child's educational needs are being met on a regularly scheduled basis and with guidelines.

The Montana PTSA urges you to vote NO on HB 367 to guarantee that ALL of Montana's children and youth, our most precious resource, will be educated for the future.

Thank you.

Jean Curtiss, Legislative Chair  
Montana PTSA  
1419 Howell  
Missoula, MT 59802

406-721-1705

HB 367

After the sponsor has closed.

From Vicki Locciarella

Mr. Chairman, the record needs to reflect that the following organizations, agencies, and institutions have signed in as opponents to

HB 367:

Board of Public Education (BPE)  
Montana School Boards Assoc. (MSBA)  
Montana Education Association (MEA)  
Montana Rural Education Assoc. (MREA)  
Office of Public Instruction (OPI)  
Great Falls Public Schools (GFPS)  
Montana Federation of Teachers (MFT)  
Montana Association School Bus. Officials (MASBO)  
School Administrators of Montana (SAM)  
Parent Teacher Student Association (PTSA)

~~Montana State Teachers Association~~

Indian Impact Aid Association

16%  
never  
opposed

## Testimony of Helena Lee

Mr. Chairman, members of the committee, my name is Helena Lee. I am the coordinator of the Montana Parents Commission, a statewide group of parent organizations and individuals, who network with one another regarding educational issues on the state and federal level. Our focus is to be an informational source on school reform issues affecting our school and families. We are asking that you support HB 369.

In every state there are laws controlling the practice of psychology. These laws were passed to prevent harm because MISUSE of psychological testing & treatment can cause life-long harm to the public.

With the new Outcome Based/Performance Based Education regulations... Pres. Clinton's Goals 2000, of which Montana is participating, teachers and other NONpsychologists are using psychological methods and programs WITHOUT parental knowledge or consent.

If it is education, then the parents have the final authority over what their children are being exposed to. Give us the right for PRIOR written and informed consent BEFORE our children are subjected to education programs and activities which violate the students privacy and parental rights.

If this bill does not pass, the schools will continue to circumvent the rights of parents as the final authority over what their children are exposed to in the name of "education".

## COST?

There are ways this can be addressed without additional cost. Each school year, schools print and distribute a CALENDAR for student families. This could be a cost-effective avenue for the school district to provide parents with written notification. When HB 369 is codified it will likely equate to an 8 1/2 x 11 piece of paper. This avenue of notification of the law could include a reference that the implementing board policies are in the school office for access to parents.

In addition, schools enjoy SCHOOL/BUSINESS Partnerships. This could be another avenue for printing and distribution. Example: The Independent Record newspaper has printed this full page--color ad 3 times. It contains every teachers name and phone number in School District #1. The IR underwrote the costs of this entire Homework-Hot Line program at NO CHARGE to schools, teachers, taxpayers or callers. It is a community service.

Permission slips and consent forms are routinely sent to parents for: ---field trips---out of town sport and music events---participation in sports programs.....One more consent form will not be cost prohibitive or time consuming for school staff.

Mr. Chairman, members of the committee, PASS HB#369. Enclosed with my written testimony are further additional names of supporters of this bill.

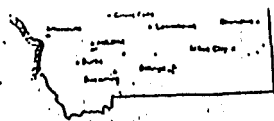
Helena Lee  
1503 Broadwater  
Helena, MT

*Helena Lee*

EXHIBIT 116  
DATE 2/6/95  
HB 369

Testimony of  
Helena Lee  
and  
Documentation

The original of this document is stored at  
the Historical Society at 225 North Roberts  
Street, Helena, MT 59620-1201. The phone  
number is 444-2694.



## MONTANA PARENTS' COMMISSION

EXHIBIT 11c  
DATE 2-6-95  
AB 369

As part of the Montana Parents Commission, I am expressing my concern to provide the children of Montana with a sound education and protecting them from the dangers of social engineering.

I am against using federal dollars which would weaken local control of Montana's educational system.

I ask that you approve legislation that provides for Parental Rights and Student Protection in the 1995 Legislature.

NAME Raymond N. Church ADDRESS 1701 Cannon St  
Helena MT 59601



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GREGORY T. SUSAN J. NELSON

NAME Susan J. Nelson ADDRESS 1001 N. JACKSON  
HELENA, MT 59601



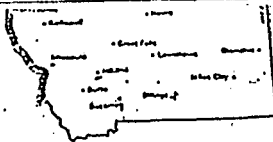
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NAME Connie Ann Stager ADDRESS 3885 Kinn Dr. Helena, MT 59601



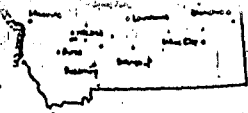
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NAME Susan M. Getz ADDRESS 760 Sierra Rd. W. Helena Mt.



Return this form to:  
Helena Lee, 1503 Broadwater C  
Helena, MT 59601

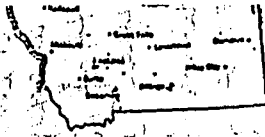
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NAME Mary C. Steele ADDRESS P.O. Box 5433  
Missoula, MT 59806



Return this form to:  
Helena Lee, 1503 Broadwater C  
Helena, MT 59601

# MONTANA PARENTS COMMISSION

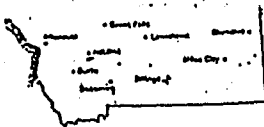
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NAME Cheryl Daffin ADDRESS Rt. 1 Box 2310  
Park City, MT 59063

over



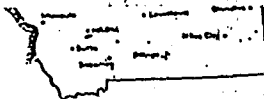
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NAME Barbara Rush ADDRESS 720 Volter, Helena  
teacher



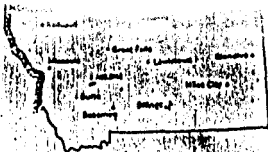
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NAME TOM & BECKY STOCKTON ADDRESS 1430 BOSTON RD, HELENA 59601



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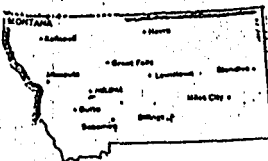
I ask that you approve legislation that provides for Parental Rights and Student Protection in the 1995 Legislature.

NAME

*Bruce W. David*

ADDRESS

*Box 1223  
Red Lodge 59068*



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NAME

*BEN HAINLIN*

ADDRESS

*2190 N. BENTON, Helena*



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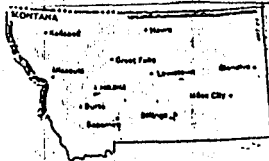
NAME

*Dr. D. Dean Anderson*

ADDRESS

*DR. D. DEAN ANDERSON  
103 CARROLL TRAIL  
LEWISTOWN, MT 59457-3208  
PHONE: (406) 538-8248*

*FAX (406) 538-4477*



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NAME

*Carolyn J. Delaney*

ADDRESS

*401 E Crawford  
Bozeman*

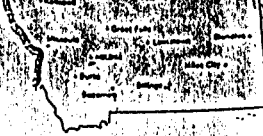


EXHIBIT 11C  
 DATE 2/10/1995  
 HB 369

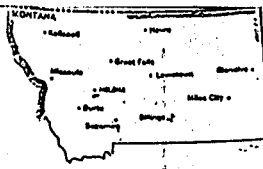
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NAME Scott J. Orr ADDRESS PO Box 1318 LIBBY MT 59923



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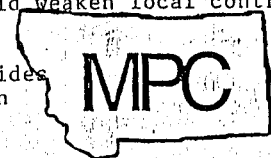
I ask that you approve legislation that provides for Parental Rights and Student Protection in the 1995 Legislature.

NAME Sam Hoffman ADDRESS Mr. Sam Hoffman 6210 Camp Creek Rd Manhattan, MT 59741

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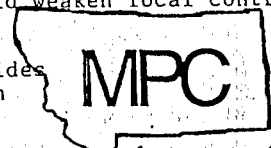
NAME Anna Switzer ADDRESS 5400 Penwell Br. Rd Belgrade, MT 59714

Montana Parents Commission, 3101 N. Montana Ave., Box 26, Helena, MT 59601

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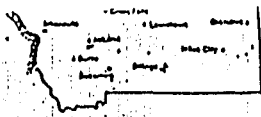
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NAME Florence Wilson ADDRESS 3049 Sourdough Road Bozeman Montana 59715  
 1-406-587-0280

Montana Parents Commission, 3101 N. Montana Ave., Box 26, Helena, MT 59601

Whenever we parents question "Prime Time" or R rated movies... we're told "Teachers are just obeying the laws about..."



## MONTANA PARENTS' COMMISSION

EXHIBIT 11cDATE 2-6-95HB 369

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NAME Connie M. House ADDRESS 3880 Kim Dr. Helena, MT

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NAME Pauline Edwards ADDRESS 1806 Jerome Place Helena, MT 59601

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I ask that you approve legislation that provides for Parental Rights and Student Protection in the 1995 Legislature.

NAME Olive H. Bartosik ADDRESS 1805 Galsyn St #339  
Helena Montana 59601

## MONTANA PARENTS' COMMISSION

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NAME Amy Orser ADDRESS 1019 Middlemas Rd. Helena

## MONTANA PARENTS' COMMISSION

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I ask that you approve legislation that provides for Parental Rights and Student Protection in the 1995 Legislature.

NAME Mark Kumpf ADDRESS 1314 Sorenson Rd. Helena MT

To: Education Committee  
From: Gary D. Swant  
Date:  
Subject: Student Protection and Parental Rights

I was a teacher for 25 years in Deer Lodge and taught ecology, biology, human anatomy and sex education. I am currently an educational consultant and speak to teens and their families about teen sexuality in schools and community settings.

During 1994 I made 68 presentations to 5,867 teens and parents.

In House Bill No. 369 I want to talk about Section 5 first, Health Education Programs. What is proposed is good legislation.

Many schools teach comprehensive sex education. Parents have the right to know that this is what is being taught and to be able to review all of the materials to be used. They also need to be provided with opt out and substitute programs if that is the parents desire.

Research shows that comprehensive sex education has been a failure in America. The most recent of these studies was published in the Atlantic Monthly in October of 1994. Let me read the abstract of that article.

Comprehensive sex education (CSE) is supported by the pillars of the health and school establishment. 17 states have adopted mandates to teach CSE. 30 more states encourage it. And yet, despite the claims of advocates, there is no evidence that CSE programs have much impact of teenagers' decisions to engage in or postpone sex, or that they encourage the effective use of contraception, or that they reduce the rate of teenage pregnancy and the incidence of sexually transmitted disease.

It is also interesting that the managing editor, Cullen Murphy, of The Atlantic Monthly in a talk given to the staff said,

"In this article, Barbara Dafoe Whitehead takes on the question of sex education. Whitehead is not against sex education. But neither does she countenance the attitude that seems to underlie some forms of sex education--that parents, in effect, don't need to exercise the kind of oversight and responsibility that they used to, because society will give teenagers the sexual knowledge and tools that they need in order to behave responsibly. Why anyone should have thought this about sex and teenagers when we know just how responsibly teenagers behave in other areas of life is an interesting question.

In schools where contraception is encouraged and distributed to teens the rates of teen pregnancy and disease does not decrease, but in fact increases. If using contraceptives

could reduce teen pregnancies and disease then we would have seen significant decreases in those numbers and we haven't."

The reason for this is that contraceptives have high failure rates when used within marriage by mature adults. All of us recognize that teens are neither mature in their sexual decisions nor will they act responsibly about using contraceptives. My own studies show that teens who have sex use condoms less than 50 percent of the time. Susan Weller, reported in Social Science and Medicine, 1993, that spouse couples, when one is HIV free, show only a 68 percent protection against the transfer of the AIDS/HIV viruses when the best precautions are used .

Secondly, we must reduce not increase non-family third party confidential health services intervention into the family. These confidential health service programs only serve to undermine the rights, responsibilities, and effectiveness of parents. Educational institutions, the Office of Public Instruction, State Health Department, and the State Board of Public Education must change their paradigm if they want to see a reduction in teen pregnancy and disease. They must begin to see parents as allies and act as the catalyst for parents to be the primary educator of their children. Thus, legislation which encourages family participation, consent and notification, serves to strengthen family communication and thus reduce teen pregnancy and disease.

With this legislation you have the opportunity to strengthen families by proclaiming parents and guardians responsible for their minor children and not the state through the school. You, as our representative government, must realize that confidential school involvement with our minor children, only serves to continue and worsen the plight of the American family. If we want strong families, where children and parents communicate and have respect for each other, we must put an end to school activities that parents are neither knowledgeable about, and may not approve of. This is especially true in such critical areas as the sexuality of our minor children. Please support this legislation.

Gary D. Swant  
113 North Frontage  
Deer Lodge, MT 59722  
Phone/fax: 406 846-2451

EXHIBIT 13  
DATE 2/6/95  
HB 369

MARK H. MOZER, Ph.D.

Clinical Psychologist  
Suite 4G, Arcade Building  
Helena, MT 59601  
(406) 442-0333

February 5, 1995

Mr. Chairman, members of the committee:

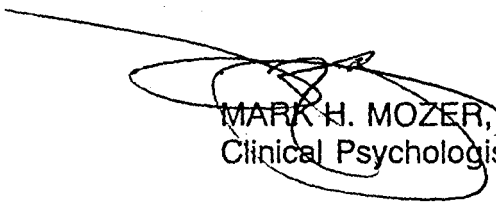
I am Dr. Mark Mozer, Helena psychologist and father of nine.

In recent years, the educational establishment has increasingly come to think of itself as the guardian of the well-being of children and families. Concomitantly, schools seem to be "dumbing down" as school districts across the state openly acknowledge that their goals include influencing students' values, feelings, and attitudes.

Our schools increasingly utilize classroom materials that can be fairly described as pop psychology and New Age spirituality. For example, the Bozeman school district has a "Prime Time Curriculum" for seventh graders, utilizing group therapy "trust exercises". Examples include having kids pair up and touch each other's body parts (for example, touching another person's nose with your nose) as the parts are called out by the leader, and an exercise by which kids simultaneously sit on one others' laps in a circle. One of the nuttier exercises in the curriculum is the "Zen Clap", in which kids sit in a circle chanting "Yin" and "Yang" while pointing at different group members, and doing a "one handed clap," whatever in the world that is. I'm not making this up, folks, I've a copy of the curriculum in my hand. This is Bozeman, Montana, not Boulder Colorado, or California.

In a world in which child abuse and other dysfunctionality is on the rise, I suppose it is arguable that the schools should attempt to inject programming geared toward psychological well-being into the curriculum. However, the majority of us, who do not abuse our kids, have a right to know, and to grant or withhold permission, for teachers to play amateur psychologist with our kids' minds, or for Big Brother to foist his New Age spiritual values upon our children by replacing long-banned school prayer with chants of "Yin" and "Yang." I strongly urge a "do pass" recommendation on HB 369. Thank you.

Sincerely,

  
MARK H. MOZER, Ph.D.  
Clinical Psychologist

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

Hi, my name is Bryan Collins.

EXHIBIT 15

DATE 2/6/95

HB 369

I am 10 years old. I have been doing journals since I was six. At first I didn't do much, but as the grades increased we had to do more and share our answers.

I didn't like doing journals but our teacher said we had to do it. It made me feel embarrassed and uncomfortable answering questions about me or my family.

#1 One of the questions was "Who do you like best in your family?"

#2. It has nothing to do with mathematics, spelling or any of that stuff.

#3. And it is none of their business.

January 6, 1995

Mr. Chairman and members of the Committee,

My name is Kathy Collins.

I strongly support this bill because it addresses privacy, protection and consent. Why does Montana need such a law?

Because our son was only eight years old when we discovered that he was required to answer, in writing, very personal questions about himself and our home life. The questions were from two different school projects, an "All about Me" booklet, and his journal. As parents, we were not told what questions would be asked, and we had not given our consent because the school is not currently required to obtain it.

These are some of the actual questions he had to answer, and as I read them, ask yourself how you would feel answering them, or if you would like your child answering these;

- \* If you could change one thing about your family, what would it be?  
Name something that only your closest friends know about you.  
What happens to you when you break a rule at home?  
Who do you feel closest to in your family and why?  
Who is in charge of your home?  
How do you feel about cutting down trees to make paper?  
If you were in charge of your home, what would you do?

I'm sure you would agree that;

1. These questions are not appropriate. By law, an adult does not have to divulge this type of information to an employer, but currently, our children are not afforded such protection. A child is more vulnerable because of their inexperience, immaturity and innocence and because of the nature of the student-teacher relationship.
2. The child is not learning anything. After all, he already knows about himself and his family.
3. This is an invasion of family privacy.
4. Working on these projects is a complete waste of valuable academic time. Neither project is graded so there are no papers sent home to mom and dad, and most parents would not see this until the end of the school year.

It is sad that Montana needs to consider such a bill, but I think we should all be wondering why our public schools would be asking such questions. I think we should be disturbed that elementary students are required to analyze themselves and their family.

This experience has certainly been a "wake-up" call for us. We trusted the school to teach our children academic subjects. And had we been given prior notice about these questions, we would not have allowed our son to participate.

My son would like to give his testimony now. Today is his tenth birthday. What a wonderful gift he and every Montana child could receive if this bill becomes law. Thank you for your time and consideration.

- \* These questions are from our son's school journal. In order to protect his privacy, we have not submitted copies of the pages because they contain his answers.

Chairman Ellis, members of the committee, thank you for the opportunity to speak before you. My name is Amy Orser. I am a former teacher and I am the mother of two children.

House bill 369, a grassroots effort, gives us a chance to do something wonderful for education, for those involved in education, and most importantly, for our children.

Currently, school districts sometimes grant parents permission to have their children excused from a class, or a portion of a class, if there is curricular material the parent deems detrimental to their child.

But often a parent has no way of knowing in advance which materials, films, pamphlets, etc. a child will be exposed to until it is too late.

And this is exactly what happened to my family. In September, 1994, my eleven year old daughter was taught sexual slang words that I will not repeat here out of respect to this committee and the audience. When my daughter told me about her co-ed health class, I immediately phoned the teacher and asked for an appointment to view all material that my child would be subjected to in that class. A list of films came home as well as the textbook which normally is not permitted to leave the school. Before I could preview the films on the list, my daughter was shown one that taught her how to become a "loving sexual partner." I respectfully remind the committee that my daughter is only eleven years old.

I did have the opportunity to see the film shown to my daughter. After a two hour conversation with the principal of the school, who viewed the film with me, the instructor, and another concerned mother, and after my husband and I discussed the situation, we requested that our daughter be excused from that class.

Fortunately, the principal granted our request.

.After this incident took place, I wondered how a school district could assume that parents would approve a film such as the one my daughter saw without prior notification. That assumption isn't made for other programs such as athletics. In that instance, special permission forms are required. My other child was subjected to self-esteem counselling during English class without our permission. When we learned of this, the teacher was very willing to release our child from that portion of class at our request. The principal, however, subjected my husband and I to an intimidating 1 1/2 hour meeting with 6 school administrators before meeting our request.

These damaging and very upsetting situations could have been avoided if a provision such as HB369 were in place.

It is unfortunate that we even need a bill such as this, but as long as outcome based education, also known as Goals 2000, signed into law by Bill Clinton, infiltrates our schools, HB369 is necessary for the protection of our families' and students' rights.

As Pres. James Garfield said: "Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be permanently maintained."

I encourage you to please pass HB 369. Thank you.

Respectfully,  
Amy Orser  
February 6, 1995

EXHIBIT 16  
DATE 2/6/95  
HB 369

TO: ORCHESTRA STUDENTS GOING TO SPOKANE MAY 9.10,11th.1994  
RE: ENGLISH ASSIGNMENT

Using the three handouts I've given you in class:

Sixteen Traits of Personality/ The Four Dimensions of Behavior

Expanding Our Understanding of the "DISC" Concept/  
Strategies For Blending and Capitalizing

Learning Styles: Abstract Sequential; Concrete Random;  
Concrete Sequential; Abstract Random,

write a 1,000, word self-description of your personality and learning style.

Divide your paper into four paragraphs of approximately the same length.

In the first paragraph, deal with the sixteen traits of personality. Describe traits which fit you and support each or a selected few with examples from your own experience or life. Nothing too personal is required. For this and the other paragraphs, write what you feel comfortable about telling.

In the second paragraph, describe what you think you are from the Four Dimensions of Behavior and Expanding Our Understanding of the "DISC" Concept.

In the third paragraph, use the chart, Strategies for Blending and Capitalizing. These are things you would like others to provide for you or give to you. Remember, this is only one "Personality Theory" and the four are simplified variations. Look at each item under what fits you best and tell what your reaction is and if it does or does not work for you.

In the fourth and last paragraph, use the chart showing Learning Styles: AR,AS,CR,CS. Describe wht you think your are and give examples from your own experience to support or refute your choices.

Include in your paper an introduction and a conclusion.

This assignment is due Monday, May 16th.

Please- In INK and in the "proper format."

Your Masterpiece will be returned to you at the end of the year with your other works...and Take Heart! Your fellow classmates will also have to do this assignment.

Have a nice TRIP !

Mr. Canty



H.B. 369

First of all, let me say it is my distinct honor to be addressing this committee whose members are from the House of Representatives. The House, like no other body of government exists, and was created for the unique purpose of representing the people. Today, you have the opportunity of empowering people by recommending passage of H.B. 369.

I ask the Committee to keep in mind that we are addressing an issue relating to public schools - schools that are owned lock, stock and barrel by the public. Montana receives only about 7% of its educational funding from the federal government while Montanans supply approximately 93%. It is important to know that students subjected to federal programs are protected from invasive educational techniques by the Pupil Protection Rights Act, while all other locally funded programs provide no protection for the student. If this situation continues to exist, with the majority of parents and students having no control over what happens in the classroom, then the idea of local control is an illusion.

Another important aspect of this bill is that it takes into consideration children who may be abused or neglected. These extreme situations are clearly excluded.

Under President Clinton's Goals 2000, public schools are evolving into social service agencies and turning away from true academic education. The education bureaucracy has given itself the authority to call anything it wants "education." H.B. 369 actually opens the lines of communication between teachers and parents and that's good for schools.

*R. Inez Smith*

*Billing*  
I am Clarice Cryder, My husband and I have six children who have gone through public schools, two of whom are still in attendance. I am also a certified teacher, having taught seventh, ninth, tenth, eleventh and twelfth grade English classes, and during the last two years have served in the area of Special Education. I have also spent many hours in college education classes in order to keep my certification current.

EXHIBIT 18  
DATE 2/6/95  
HB 7129

I am alarmed at the extent of personal testing and surveying which is taking place in our Montana schools. Often they are claimed to be anonymous, but I know how easily a teacher could identify a respondent if there was a desire to do so. Questions of highly personal are often asked, such as:

- Are you often unhappy?
  - Are you an important member of your family?
  - Do you wish you were different?
  - I feel sad about many things in my life?
  - Do you pick on other children?
- Or
- The last time you had sexual intercourse, what method did you or your partner use to prevent pregnancy?
- (From the Montana Youth Behavior Risk Survey)

The assumption seems to be that most everyone is at risk and needs to be surveyed. And, of course, the more ~~money~~ students who classified as "at risk," the more money that is available.

As educators, we know that tests and surveys are used for assessing, which brings me to an even greater concern. Our universities are training our teachers to make subjective assessments, not based on academic mastery of skills and knowledge, but on someone's opinion of whether or not a student's attitudes, beliefs and behaviors are acceptable. If a child has a different belief system from the teacher's, does this mean there will be remediation to change it?

As a matter of fact, in a college class I took recently led by Ken Miller at MSU-B, as educators we were encouraged to shed our old belief systems (world-views or paradigms) and to free ourselves from their constraints so we could be empowered to reach our fullest potential as teachers--to be free to do what we felt is best in the classroom, and to draw subjective conclusions regarding students' attitudes and beliefs. Then he talked openly about doing the same thing with the students. In another class, we were taught that a child must determine his own truth and his own reality and that he should do this apart from what his family or friends has taught. ~~xxx~~

Much of what I see being promoted is justified on the basis that subjective assessments have been made and that there is a need for all students to be subjected to curriculum that changes attitudes and behaviors. There is also much information available as to how to circumvent parents who have different beliefs because they just don't understand.

I encourage you to send this legislation to the House Floor for their consideration.

February 6, 1995

Ladies and Gentlemen,

I am Paula Jermunson, a native Montanan, retired teacher after twenty-six years, member of the Belgrade Board of Trustees and, most importantly, a grandmother of five.

I do not want to see these children or any children in the state of Montana subjected to surveys, tests, programs or anything such as these that are embarrassing, intimidating or intrusive into the privacy of their lives or that of their families, particularly without the knowledge and written permission of parents.

The examples I have to give you may appear to be innocuous, but when you consider them carefully you can see the intrusion of privacy. The statements on one are mainly negative and are actually none of the school's business which should be basic education of children, not prying into the values and attitudes of children and their families. Besides, these take time away from the educating mission of schools.

Before the federal government intruded into education, Montana evidently did not see the need for a bill to protect the rights of students and parents, because we minded our own business and respected the right of privacy for others. However, now, it's high time Montana enacted a law to protect this right. I cannot understand how any thinking person could oppose such a law.

Thank you,

  
Paula B. Jermunson

February 6, 1995

EXHIBIT 20

DATE 2/6/95

HB 369

Mr. Chairman, Representatives;  
(members of Committee)

We are faced with a great dilemma - whether to tell our children to put aside their moral and religious training and take the Sophmore health class to fill graduation requirements or to hold onto their values and not graduate. This is a tough choice for parents who have taught their children that they need both, a strong belief in God and a good education. We believe that H.B. 369 will help our children achieve both.

The Sophmore health class covers such topics as sexuality, divorce, teen pregnancy and aids. These subjects are taught by a teacher not by a licensed psyciatrist or clergy, and can not be approached from a religious or moral standpoint.

Premarital sex, homosexuality, divorce and remarriage are presented as alternative life-styles and not against God's laws as our church teaches.

How can our children sit and listen to this, then put answers on a paper to pass a test when the answer they must use is the wrong one in the eyes of God? Who is protecting their rights in a classroom like this?

We also have an 8th grader whose teacher takes up 7 minutes of class time for something he calls "Self talks". These talks are not part of an english curriculum. Here is just one example of of such talks:

Today I will identify the relationships  
that fortify my power, and I will "unhook"  
where I need to own my own power.

These talks do away with the power of God and the graces He gives us, aslo, it does away with parents and family.

For these reasons and more we urge you to support H.B. 369 to protect the rights of our children who are in the public schools.

Thank you,

*Connie McHouse*

The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

EXHIBIT 21  
DATE 2/6/95  
HB 369

Rosanna Finley  
P.O. Box 1051  
East Helena, Mt.  
59635  
(406) 227-6526

TESTIMONY IN FAVOR OF HOUSE BILL NO. 369

My name is Rosanna Finley and my daughter is in 6th grade at Radley Middle School. In November, 1994 she was asked to complete several questionnaires as part of a unit on bullfighting in Communication Arts. One questionnaire asked detailed questions about whether she would participate in illegal activities, or activities for which she didn't have her parents' approval. In another questionnaire, she was asked to talk about problems at home which were creating conflict for her. In her case, she mentioned that she might not get to see her Dad in the summer because "he drinks too much."

At the time, she answered the questions because she has been taught to respect her teachers and do as she is told. But the questions were upsetting and embarrassing to her and I think I should have been given a chance to give my approval before the questions were asked. She is on the honor role, and has always been well behaved and respectful in school, and I find it offensive that the schools feel they can pry into the personal lives of families without just cause.

After this same class spent a month on this book about bullfighting, they were shown an hour long video on bullfighting. This video is listed as a sports documentary for adults, not for children, and was so graphic, bloody, and gruesome, that my daughter was in tears when she came home and told me about it. When I asked the teacher, and eventually the principal if parents could please be notified before such potentially offensive material is presented, I was told that it was part of the curriculum and that parents would not be notified ahead of time, regardless of content. As the content of this video strongly violates our belief that

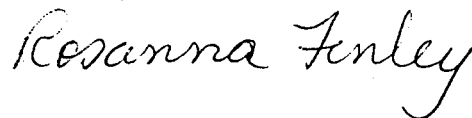
torture of any creature, for any reason, is wrong, and that our children are exposed to plenty of violence without bringing it in the classroom, I, along with several other parents, have formally challenged this video for removal from the curriculum. It is our only recourse under the current laws.

It is my sincere hope that passage of this bill will improve communications between parents, teachers, and administrators. When another parent and myself expressed our concerns about this video, we were told we had violated Montana law in Section 20-4-303 which makes it a misdemeanor to insult or abuse a teacher. This was in spite of the fact that neither of us said anything of a personal or abusive nature to the teacher. Surely parents can express their opinions, negative or positive, without school officials becoming defensive or threatening prosecution. Hopefully this will be the case in the future.

Thank you for this opportunity to express my opinion on such an important issue as the education of our children.

Sincerely,

Rosanna Finley

A handwritten signature in cursive script that reads "Rosanna Finley". The signature is written in dark ink and is positioned below the typed name.

ARGUMENTS IN SUPPORT OF  
HOUSE BILL 369

by Ann & Roger Koopman

Enactment of this legislation would benefit all concerned: parents, students, teachers and schools. Those in the education profession say time and again that parental involvement in a child's education is the most important ingredient in the success of that child in school. This legislation, by strengthening the relationship between parents and teachers, builds teamwork and trust between the adults to whom the child looks for leadership. Consequently, the child is relieved of anxieties over possible conflicts between his parents and the school. Parents, secure in their knowledge that they are welcome to examine any materials a teacher or school official may use in leading discussions or asking questions of students, are restored to their rightful place as those with primary responsibility for what their children are being taught.

There is no question that the people of Montana place a high value on education. When a family chooses to delegate the job of educating its children to a school, they naturally want to maintain a friendly and cooperative working relationship with the school personnel. All too often, this has not been the case in recent years, much to the chagrin of parents and teachers alike. Teachers need the assurance that parents are behind them if they are to teach effectively, and parents need assurance that their family's privacy is protected in order to fully provide that backing.

Everyone, it seems, is talking "family values" these days.

Each unique family and what it may find offensive, invasive or simply inappropriate for its children, is honored by the provisions of this bill.

"Openness" and "freedom of information" are likewise popular terms that apply to the matter under consideration today. Again, understanding and bridge building between home and school can only be enhanced by the clarifying language contained in this bill. I respectfully urge that the committee adopt HB 369 by voting for its passage.

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Mr. Chairman, members of the House Education Committee:

For the record, my name is Laurie Koutnik, Executive Director of Christian Coalition of Montana, our state's largest family advocacy organization, and because we desire that parental rights be upheld, I rise in support of Rep. Jack Wells' proposed HB 369.

There was a time in this country when parents would never question what was being taught their children. Kids went to school with the understanding that they were there for an academic education. There was an acceptable standard of core knowledge free from political correctness. Decency, responsibility, and following the "Golden Rule" was taught. But because education has shifted its focus, we now see our schools evolving into "one-stop shop" systems that are reaching into a social service arena. Our organization receives calls from parents who are deeply concerned about this new approach that seems invasive into the lives of their children and families. They object to new techniques used to "draw the student out," or to a curriculum the child is exposed to that they had no prior knowledge nor have given consent to participate in. Imagine not knowing the teacher had handed condoms out in P.E. / Health class, or that your child was subjected to view a film about human development that they felt uncomfortable about discussing. Still parents call because their child had to reveal in writing their thoughts, feelings or emotions on a variety of issues from environment, gun control, abortion, suicide, and the homeless. My own child had to draw up a graph for math class that listed what organizations or interests each member of the family participated in what percentage of the time. I ask you, "Whose concern is it where we spend our time?"

Parents have a right to be concerned when national test ACT/ SAT test scores continue to drop. Parents have a right to be concerned when national guidelines for teaching history are fraught with inaccurate information, anti-western bias, and political correct ideas.

Lynne V. Cheney, former director for N.E.H. in the Bush administration, has stated, "These standards are such a travesty . . . I think they're not only likely to bring an end to the standard movement, but will cause a final erosion in people's faith in public education."

Occurrences such as these, cause concerned parents to not only question, but seek a guarantee that their children will be protected from activities that they believe undermine their best intentions, their moral values, and have no other purpose but to invade the privacy of the child and their family.

The "Parents Protection Pledge" is an agreement in good faith that the teacher will adhere to the wishes of parents . . . nothing more, nothing less. It is a communication piece much like a written informed consent given to the school for athletics, medical attention, field trips, or special needs assessment.

It in no way restricts teachers what to teach, but brings to their attention that certain students will be excused from certain exercises that are deemed inappropriate by the parents.

This Pledge simply brings to the state level the same protection the Grassly Amendment affords

those who participate in educational programs funded by federal tax dollars. How can we not afford to offer the same protection to parents on state programs funded by their tax dollars?

If the education establishment really wants to continue to see the involvement of parents in the education of their children, while maintaining the public's trust and confidence, then they need to be willing to adhere to the wishes of parents. Here is an opportunity to extend good faith to parents who have so trustingly placed their most precious treasures in their care.

Hear the hearts of these parents and give them the protection they desire. I recommend a "do pass" on HB 369.

Submitted: 2-6-95

Laurie Koutnik, Executive Director  
Christian Coalition of Montana

February 6, 1995

HB 369

Arlette Randash / Eagle Forum

If one concern stands out above all others for the parents of those families represented by Eagle Forum it is a concern about the encroachment of public education in the area of their children's private lives. Parents are alarmed that as schools have focused less on the teaching of basics they have expanded into the social realm of their students' lives--their attitudes, feelings, values, motives addressed in HB 369.

A concrete example of this nonsense surfaced January 22 when the Billings Gazette ran an article entitled "Sexual-identity questions add to tensions." The article reported that School District 2 had no specialized counseling programs or support groups for homosexual teens but counselors were trained to provide service to youngsters as individuals. Parents don't want schools counseling their children on their sexual orientation, and certainly not without informed consent. HB 369 would protect the parents and students from the "do good" paternalism that has become so prevalent in our schools who seem to have forgotten that children are wards of their parents and not of the school or the state.

February 3 a letter appeared in the Bozeman Chronicle outlining a parent's concerns in the Bozeman area. She wrote that in a curricula entitled Prime Time/Quest at Chief Joseph Middle School the following questions were asked of her children.

What is one of your greatest fears?

Name something that not many people know about you (old habits, sleep with a teddy bear, etc.)?

What one thing are you struggling with the most right now?

If I really want to hurt your feelings what would I need to say?

What really gets you angry?

If you could change any thing about your body what would it be?

What do you believe comes after death?

She went on to say in her letter, "Are these questions to ask students? Are the specific question an attempt to change attitudes, values, and beliefs? Questions that produce intimacy and reveals fears may make one more susceptible to manipulation, coercion, control, and moral corruption. Classrooms should not be used for amateur and potentially dangerous therapy sessions."

I couldn't agree more. Please give favorable consideration to HB 369 and let's get back to teaching.

TESTIMONY IN SUPPORT OF HB 369  
Submitted by: Wayne and Joanne Shearer  
Box 232, E. Helena, MT 59635 227-5177

We are the parents of four children ages 9, 12, 14, and 16. We want the assurance that when our children attend school, that our children's and family privacy is not violated and that schools will not attempt to change their deeply held values, religious beliefs, and Christian attitudes. With the introduction of Outcome Based Education(OBE) in many Montana school districts, this legislation is needed to protect our children from psychological manipulation of our children's values and attitudes. A high percentage of OBE "outcomes" concern values, attitudes, opinions and relationships rather than objective information. OBE requires students to meet vague psychological objectives relating to self-esteem, ethical judgment, and adaptability to change. Many of the techniques used to accomplish these objectives are clearly psychotherapeutic.

Teachers don't intentionally invade student privacy but are required to do so in order to meet the mandates of the State Board of Education. The State Board of Education in its Accreditation Manual requires that student attitudes be assessed in every subject. An assessment means some type of test or measurement of student attitude. According to the Websters dictionary, attitude is defined as " the manner of acting, feeling, or thinking, that show one's disposition, opinion, etc." For example, one of the mandatory "learner goals" in the health enhancement section of the accreditation manual is "...the development of responsibility, VALUES, ATTITUDES, AND BEHAVIORS."

To meet the mandates of the State Board of Education, local school districts are modifying students attitudes, feeling, and values through their curriculum. The Helena School District recently adopted a radical form of Outcome Based Education. In it's original version of it's Strategic Plan where this OBE plan was introduced, the school district defined curriculum as "what students are to learn, the skills they are to master, the concepts they are to develop, and the VALUES, ATTITUDES, HABITS, AND FEELINGS they are to acquire." Who's values? What attitudes? Which feelings are correct? This kind of curriculum will require teachers to become sociologists and psychologists-something most teachers are not trained to do nor are they will to do. This legislation not only protects parents and students but also protects teachers from being forced to practice psychology without a license.

Our son in fifth grade was given a writing assignment by his teacher. He was required to write about his personal qualities, his values, problems, and superstition. He was also required to keep detailed log of a typical day in his life. In writing about his problems, he stated, "my biggest problem is my brother calls me names. My other problems I don't want to talk about." If our children voluntarily share private matters with their teacher is one thing. But for them to be forced to share their private lives and intimate problems as a requirement for grades is wrong.

Sincerely yours,

  
Wayne Shearer

  
Joanne Shearer

TESTIMONY---HOUSE EDUCATION COMMITTEE

(In support of HB 369)

Re: HB 369 "Montana Family Educational Rights and Privacy Act"

February 6, 1995

Mr. Chairman and Members of the Education Committee:

Montana is a wonderful place to live. "...of all the states from coast to coast we're easily the best" proclaims our state song. As Montanans, we are known for our individualism. We look at issues, consider the facts and make our own decisions. We don't go along just to be a part of the crowd. And we are not afraid to stand alone for the right reasons. That is why I support HB 369, the "Montana Family Educational Rights and Privacy Act".

Federal statutes address some issues pertaining to a students' privacy. But HB 369 is tailored made for the specific concerns and needs of Montana students and their families. HB 369 defines terms such as "experimental procedure" and "psychological or psychiatric treatment". It requires that schools provide prior notification to parents about curriculum materials etc. that infringe upon a student's individual privacy. HB 369 defines what prior notification means and provides a time line for such notification.

My children have had many good teachers in the public school system. This has not however, protected my children from having their privacy invaded. Health class assignments have required my middle schooler to answer questions such as: "How often to you exceed the speed limit...?"; "Have you ever smoked or chewed tobacco? How often?"; "Do you use drugs? How often? What kinds?"; and "Are you satisfied with your life?".

My elementary student has had work sheets requiring a written response to such matters as: "When I lose my temper I..."; "Here is a story about one time I got very angry. How did it start? Who did it involve?"; "How I feel about pollution..."; "If I could change one thing about myself I would..."; and "Did you ever disobey your parents? Why?"

However well-intentioned the teachers were in giving these assignments, such information is nonetheless personal and infringes upon my children's privacy.

The passage of HB 369, The Montana Family Educational Rights and Privacy Act" will ensure that the privacy of all Montana students is protected. It will ensure that every Montana parent or guardian with sc

material] The original of this document is stored at the Historical Society at 225 North Roberts Street, Helena, MT 59620-1201. The phone number is 444-2694.

notification about  
invade a student's

EXHIBIT 27  
DATE 2/6/95  
HB 369

Proponent for House Bill 369

My name is Michael T. Stevenson, P.O. Box 122, Ft. Harrison, Montana, 59636. I am a licensed social worker in the state of Montana and a school board member who is speaking to you today as an involved parent.

This is a bill for the families and children of Montana. As a Montana native, I strongly believe in the family and in the importance of strengthening families living in our state.

At the heart of this bill is the issue of who the children belong to. Who is responsible for their care and upbringing? I believe parents are. The issues of the right of privacy and the right of parents to be involved in their children's education and psychological care is in this bill.

Only licensed social workers and psychologists should provide psychological or psychiatric examinations, tests, or treatments to children. We have seen an explosion of unqualified persons using experimental procedures in the schools. Last year at C.R. Anderson Middle School in Helena, a teacher used guided visual imagery in class. This is only one example of many in our school system. The children traveled to the center of the Earth to meet a spirit guide. The use of spirit guides has its' roots in the occult. I do not want my children to participate in practices of the occult.

I believe strongly in the partnership of parents and educators. I support parents being involved in all aspects of their children's education. In regards to counselling, one cannot treat a child exclusively away from the family system. I believe that family involvement is essential for dealing with the complex issues facing our children today.

I have had the experience of discussing health education material with an instructor and a superintendent. The discussion centered on the content of films and materials used in a sex education class. When I found the staff unwillingly to receive feedback, I formally challenged some of the material. Because of this formal complaint, the Montana Human Rights Network named me in their newsletter. Their strategy is to silence parents with intimidation and to instill fear in those who speak out for family values. It is interesting that OPI cannot enter these debates. I see Ken Toole's roles as an OPI employee and being president of the Mt. Human Rights Network as a conflict of interest. The political strategy of the ultra left and the left wing is to convince you that they are mainstream America and you will often hear them express concern for children's welfare. I have included a letter from the Mt. Human Rights Network for your information. The sex education film I had challenged, which was inaccurate and also degrading to females, was removed from the curriculum. To my knowledge, Ken Toole nor his assistant, Christine Kaufman, have seen the film I objected to.

I would encourage each of you to search your heart in regard to this bill. It is simply a bill to affirm our families, the cornerstone of our great state. Thank you.

Michael T. Stevenson

*Michael T. Stevenson*  
2-6-95

KESSLER PUBLIC SCHOOL  
2420 Choteau Street  
Helena, Montana 59601

MATERIALS CHALLENGE PUBLIC COMMENT FORM

Name Christine Kaufman

Address 44 N. Last Chance Gulch

Do you have children attending Kessler School: Yes ☐ No ☒

Do you represent a group or organization: Yes ☐ No ☒

If yes, please identify the group or organization Montana Human Rights Network

Your comments are very important. They will be considered by the Materials Challenge Committee and will be included in the written report.

Please provide your comments:

*see attached*

Christine Kaufman  
Signature

12/2/93  
Date

COMMENT FORM MUST BE RETURNED TO KESSLER SCHOOL NO  
LATER THEN DECEMBER 10, 1993. Thank you.



# NETWORK

## News Flash

EXHIBIT 27

DATE 2-6-95

FILE HB 369

No 2, December 1993

### Intimidation in Billings

On October 15 an interracial couple in Billings had racist graffiti painted on their home. The graffiti included swastikas and the words "Die Indian" and "F--- you". The Billings Coalition for Human Rights and the Painter's Union, Local 1922, organized community members to repaint the home and held a rally with speakers from the African American and Indian community. About 175 people attended.

### Community Response to KKK in Red Lodge

Following recent distribution of Klan Literature in the Red Lodge area, the local pastor's association has begun gathering petition signatures to rally community opposition to hatred and violence. The literature, distributed by the Ku Klux Klan, Realm of Montana, portrays the Klan as an organization "based on love, not hate".

### Montana racist, Frank Ellena, Arrested in Alaska

Frank Ellena has been wanted on three counts of intimidating and threatening IRS agents. He was arrested in Wrangell, Alaska following a tip from the Lake County Sheriff's Office. Ellena ran for a local school office in Lake County in the late 80's. He was soundly defeated following public exposure of his racist views.

### Christian Right Attack at Helena School

Administrators at Kessler School, on the west side of Helena, have received a complaint from a newly elected School board member, Michael Stevenson. Stevenson alleges that films used in fifth grade to explain human growth and development constitute sexual harassment and promote homosexuality.

### Red Beckman Speaks at "Wise Use" Meeting in Jordan

In late July, Montana anti-Semite Red Beckman spoke briefly at a meeting in Jordan along with representatives of the National Federal Lands Conference, a Utah based Wise Use



--MHRN is here because we get calls every week from parents, administrators, and teachers of public schools, asking for help dealing with just this kind of pressure. In Havre, concerned parents are attacking the math curriculum, in Chester its the science curriculum, in Columbia Falls its OBE, in Fairfield, its self esteem. This list goes on and on.

--In Montana and across the Nation there is a well-rehearsed sophisticated campaign to take control of public schools. National right wing groups use concerned parents to mount pressure phone campaigns, to challenge curriculum, to elect stealth candidates for school boards. These national groups are very clear about their agenda. They want to replace public education with their own brand of Christian education.

--I'm not saying that every concerned parent here tonight is a member of some right wing group. I believe that most truly care about their child's education. I am saying that you don't have to dig very far into these controversies until you see the fingerprints of these right wing groups.

--time and time again we see the charge that sex education constitutes sexual harassment and promotes homosexuality. Time and time again we see parents that want to dictate the moral standard for everyone's children, not just their own. I understand that Kessler has one of the finest policies allowing parents to withhold their children from particular portions of the curriculum, and that policy has been followed faithfully. But that is not enough. They want the curriculum to reflect their values alone. That is what we are concerned about.

--the pressure tactics you have witnessed the past two weeks are intended to make educators uncomfortable, and to get those educators to compromise their judgement just because it's easier. ~~Some of us are here to give you another message. We believe you have been trained and hired to make your best judgements about curriculum. If either of these films, in your professional judgement, is not an effective teaching tool, I hope you~~ don't use it. But I hope you don't simply bow to the pressure of phone calls and those who are shipped up with a lot of misinformation. Because the pressure will not stop. The next target will be a library book, then a whole curriculum, then a teacher or an administrator.

--We all have a stake in education. We pay for it with our tax dollars and we benefit from a well-educated public

EXHIBIT 28  
DATE 2/6/95  
HB 369

February 5, 1995

Dear Chairman Ellis and distinguished members of this committee,

I am writing this testimony in favor of the PPRA , a bill to protect the privacy rights of children. Counseling really does not belong in the classroom in the first place. Effectiveness programs designed to stop drug use or teen pregnancy have been a dismal failure in any case.

However if we must have these programs, certainly the parents should have a right to know what is in them before hand and to remove their child if they see fit.

Most teachers are not trained counselors and should not be asking invasive questions of children and participating in character education programs and so on, most definitely not without the consent of the parents.

*Barbara L. Rush*

Barbara Rush  
Helena Teacher  
720 Holter  
Helena, Mt. 59601

Proponent for HB 369

EXHIBIT 30  
DATE 2/6/95  
HB 369

As a teacher and mother of  
yours, I would appreciate your  
support for H.B. 369 and encourage  
you to pass it.

Sincerely  
Susan D. Juarez  
Col. Juarez

284, 1995  
Please support H.B. 369 for the  
good of our communities and the  
future of our children and country  
Dr. RUTH D. Juarez  
Col. Juarez, ut

1-1

EXHIBIT 29  
DATE 2/6/95  
HB 369

January 5, 1995

To the Ladies and Gentlemen of this Committee:

Thank you for allowing this letter to be read on my behalf.

My name is Lanette Cuffe, I am a homemaker and mother of two children who attend Public School in Columbia Falls.

For the past year and a half I have been involved in a variety of concerns facing our district. These range from curriculum, discipline, class schedules, various policies, and teacher/parent relationships. During this time I have devoted a great deal of time and energy in research on a wide range of educational issues and conclude that not only our district, but our entire state is moving towards and Outcome Based System. With the implementation of Goals 2000, and the recent action of our Governor, I fear Montana has taken yet a closer step in bringing National Goals of Restructuring Education to our state.

During this time, it has become my experience that when one questions current practice or takes a firm stand in opposition to teaching methods, programs unrelated to core academics, or tries to hold Administration and Boards accountable to their policies and direction they are leading our districts in, one is immediately labeled, criticized, or dismissed in one form or another as an extremist. This prevailing attitude has been forced upon our educators and administrators by several powerful groups and agencies including our own Office of Public Instruction under the leadership of Nancy Keenan.

It has become increasingly difficult for parents to bring their concerns before educators, or even public awareness.

Due to this fact various groups have formed both locally and nationally: Parents Commissions, Citizens for Excellence in Education, Christian Coalition, to name a few. Some of these groups are Christian orientated while others are not. In either case, all are working towards the same end: a better quality of education derived primarily on a focus of core academics, effective rather than affective learning, curriculums soundly based on facts and textbooks that do not change the face of our country's history, or that promote a politically correct agenda.

As a result, battle lines have been drawn in the sand, and what has developed is an "us" against "them" mentality. One only has to read the newspapers to see the overwhelming evidence to this fact. It appears to me that commons sense and reason are fast becoming a rare commodity in the areas of education as well as all major issues facing our state.

As a parent, my concerns are heightened by Montana's steps to meet Goals 2000 criteria, the use of new unproven teaching methods currently practiced across the state, and an increasing move towards a valueless philosophy within our districts. All affecting not only our children but future generations as well.

It is for these reasons, and many more that time will not allow me to go on, that I wish to state my desire to see legislation passed for Pupil Protection and Parental Rights. Please give serious consideration for this proposal. I strongly believe that it makes good sense for Montana.

Thank You,

Lanette Cuffe

EXHIBIT 31  
DATE 2/6/95  
HB 369  
February 5, 1995

House Education Committee  
Capitol Station  
Helena, MT 59620

Dear Members of the Committee,

As a public high school teacher and as a parent of two school-age children, I am most concerned about HB 369. I believe that public schools serve the public best when they concentrate on teaching academic subject matter and avoid the pitfalls of social engineering that is part and parcel with Outcome Based Education. I believe education should be inductive, teaching about things and letting students develop their own opinions and reaching their own conclusions. I do not believe public education should be deductive, teaching attitudes, values, opinions and conclusions, and then manipulating curricula to fulfill these predetermined goals. Such a practice is tantamount to brainwashing and should not be part of a free society's educational plan.

Rather, a free "market-place of ideas" should be encouraged. Students need to first learn data and information, second learn thinking and processing skills, and then begin to reach their own conclusions and form their own opinions. Schools should not be prescribing these conclusions.

I am convinced that many of the surveys, tests, treatments and programs being used in the schools today are entry-level attempts at social engineering of students' attitudes and values away from the attitudes and values held by many American families. Such is certainly true of comprehensive health education! For all such invasive and manipulative procedures, I believe parents most definitely should have the right to preview the materials to be used, and (if they agree) "opt-into" that procedure. Schools should have no right to invade the privacy of the family nor to impose their "politically-correct" attitudes and opinions on their captive audience.

I encourage this Committee to trust parents to do what is right and best for their own children. Please support this Bill and do all you can to encourage its adoption. Maybe then, schools can get back to doing what they do best--teaching, not manipulating!

Sincerely,

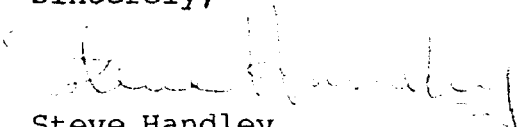
  
Steve Handley  
1702 Avenue F, Billings, Mt

EXHIBIT 32  
DATE 2/6/95  
HB 369

TO: THE HOUSE EDUCATION COMMITTEE 2/6/95

REPRESENTATIVE: Deany Rummel

☒ FOR HB 369 Parental Rights in Public Education Bill  
☐ AGAINST HB 369 Parental Rights in Public Education Bill

Name Jill L. LEGGETT  
Address 4431 KING AVE E, Billings MT 59101  
Telephone # 406-253-2118

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HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Education COMMITTEE DATE 2-6-95  
BILL NO. 309 SPONSOR(S) Rep. Wells

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
<u>Steve White</u>	<u>Self</u>	<u>X</u>	
<u>Jack Murphy</u>	<u>Self + Family</u>	<u>X</u>	
<u>Kim Milburn</u>	<u>Helena Public Works</u>	<u>✓</u>	
<u>Erin Plumer</u>	<u>MEA</u>		<u>X</u>
<u>John Malone</u>	<u>M.F.A.</u>		<u>X</u>
<u>Loren Tracy</u>	<u>SPB</u>		<u>X</u>
<u>Robert Scott Olson</u>	<u>family</u>	<u>X</u>	
<u>Michael Keedy</u>	<u>MSBA</u>		<u>X</u>
<u>Don Waldron</u>	<u>MREA</u>		<u>✓</u>

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

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HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Education COMMITTEE DATE 2-20-95  
BILL NO. 368 SPONSOR(S) Rep. Holloman

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Lynda Brannon	MASBO	✓	
Sharon Lincoln	Mt Co. Treas. Assn	✓	
Cort Harrington	Mt Co Treas Assn	✓	
Gordon Morris	MACO	✓	

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HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Education COMMITTEE DATE 2-6-95  
BILL NO. 309 SPONSOR(S) Rep Wells

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Susan M. Getz <sup>760 Sierra Rd. W.</sup> Helena, Mt.	Self & family	X	
Florence Wilson	Self & my children	X	
Laure Kozmik	Christian Coalition of MT	X	
Bob Balyeat	Self & Family	X	
Kathy Collins	Self & family	X	
Bryan Collins	Self		
ROSANNA FINLEY	SELF	X	
Sylvia Michaelson	Self & Family	X	
Roger Hopman	Self & wife Ann	X	
Jenny O'Neil	Self & family	X	
Wanda Harris	Self & family	X	
Russell McQuay	Self	X	
Joseph Nugent	Self & Family		

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HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Education COMMITTEE DATE 2-6-95  
BILL NO. 309 SPONSOR(S) Rep Wells

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Helena Lee 1503 Broadwater Helena, MT PO Box 4332	Montana Parents Commission	X	
Amy Orser Helena, MT 59601	Helena Parents' Commission	X	
Carrie M. Jackson	Billings, MT	X	
Clarice J. Bryden	Billings, MT	X	
Liz Doneth	Helena Parents Comm	X	
Paula Jensen	M.T.P.C.	X	
Terry Frisch 246 Brady Helena	Helena Parents' Commission	X	
Cannie House 3880 Kim Dr Helena MT	Self & 5 children	X	
Mary D Swant Bealida	Self	X	
Arlette Mandash	EAGLE Korum	X	
Lorel Knorlen Billings MT	Self	X	
Betty Van Mullen	Self		
Becky Stockton 1430 Boston Rd. Helena, MT	Self & Family	X	

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wp:vissbcom

CS-14

Mark Morzer

Self

X

Tony Moore

P.O. Box 954

family

X

Charles R. H. - self

X

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Education

COMMITTEE

DATE 2-6-95

BILL NO. 367

SPONSOR(S) Rep Jure

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Lowell Kronen Billings MT	Self	X	
Arlette Randash	Self	X	
BARDA A. ALLEN Helena	Self	X	
Florence Wilson	Self		
Lynda Brannon	IISM / MASBO		X
Jack Capps	OPZ		X
Jim Foster	MREA		X
DON WA Idron	MREA		X
Laurie Kautzik	CCog MT	X	
Bob Balyeat	Self & Family	+	
Kathy Collins	Self & Family	X	
Bryan Collins	Self	X	
Pascal Fiedler	Self	X	

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ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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CS-14

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Education COMMITTEE DATE 2-6-95  
BILL NO. 307 SPONSOR(S) Rep. Jove

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
<del>Jack</del> JACK MURPHY	SELF + FAMILY	X	
Garry Tasbender absent, but	GFPS		X
Heleen Murphy (written testimony submitted)	del AM	<del>X</del>	
Kim Milburn	City of Helena	✓	
G. Huddes	SELF	✓	
Rep. Ray Teek	Dem Party		X
SHARON HOFF	MT CATHOLIC CONF		X
DON WALDRON	ME A		X
Subaw M. Getz 760 Sierra Rd Helena mt.	Traditional Catholics Assoc, & self & family	X	
Connie House 3880 Kim Dr Helena	Self & family	X	
Becky Stockton 1430 Boston Rd. Helena, mt.	Self & family	X	
Eric Slauer	ME A		X

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HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

EDUCATION COMMITTEE DATE 2-6-95  
BILL NO. 367 SPONSOR(S) Rep. Rick Jore

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	Support	Oppose
Sylvia Michaelson	Self-Family	X	
Roger Koopman	self & wife Ann	X	
Jerry Murrow	MFT		X
James O'Neil	Self & Family	X	
Wanda Harris	Self & family	X	
Joseph Nugent	Self & Family	X	
Caroline Koopman	self	X	
Sharon		X	
Loren FRAZIER	STAN		X
Michael Keedy	MSBA		X
Brad Martin	MT Democratic Party		X
Steve White	Self	X	
Kari Jore, Ronan	self	X	

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