

MINUTES

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

COMMITTEE ON EDUCATION & CULTURAL RESOURCES

Call to Order: By **CHAIRMAN ALVIN ELLIS, JR.**, on February 15, 1995, at 3:15 p.m.

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. Norm Mills (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: None

Members Absent: None

Staff Present: Andrea Merrill, Legislative Council
Rena DeCrevel, Committee Secretary

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

Committee Business Summary:

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|-------------------|---------------------------|
| Hearing: | HB 546, HB 374, HB 516 |
| Executive Action: | HB 516 TABLED |
| | HB 374 TABLED |
| | HB 546 TABLED |
| | HB 485 DO PASS AS AMENDED |
| | HB 437 DO PASS |
| | HB 431 DO PASS AS AMENDED |
| | HB 369 DO PASS AS AMENDED |
| | HB 233 DO PASS AS AMENDED |
| | HB 132 TABLED |
| | HB 221 DO PASS AS AMENDED |
| | HB 57 TABLED |

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

HEARING ON HB 546Opening Statement by Sponsor:

REP. SUSAN SMITH introduced HB 546, which was an act restricting state participation in certain federal educational programs unless authorized by statute. She said that legislators wanted to carefully review all federal mandates before participating in it. Often the federal funding dries up and the state is left to fund the program.

Proponents' Testimony:

Laurie Koutnik, Executive Director of the Christian Coalition of Montana, read written testimony submitted by Steve White, Member of Governor's Education Advisory Council. EXHIBIT 1 Ms. Koutnik then stated her support of HB 456 on behalf of the Christian Coalition of Montana. She read from an article in the Great Falls Tribune, "Senate Republicans Pass Local Control Bills." This article referred to efforts made by Senate Republicans to turn the reins of education over to school districts and local governments. It stated they voted as a block on two related bills. One bill, SB 232, would release local school districts from some of the demands from the State Office of Public Instruction (OPI). This bill would prevent the state from withholding funding from schools that do not meet accreditation standards, thus making these standards optional. The article continued saying that Democrats contend this would allow small groups in some districts to eliminate such things as libraries, fire codes and portions of school curricula.

Ms. Koutnik said that SEN. MIGNON WATERMAN is quoted as saying that Democrats fear the state might dole out millions of dollars in funding and expect nothing in return. She further stated that if schools are not accredited it could make it difficult for graduates to get into college both in-state and out of state. The bill's sponsor; SEN. DARYL TOEWS, is attributed to saying local school boards have been reduced to mere advisory committees, bending to the whims of OPI. He stated with more control they would be able to maintain high standards while meeting the demands of the community. He pointed out that many students excel in college after graduating from home schools or private schools that have not met state standards. SB 232 passed on a straight party line vote 31-18. The Senate also supported (31-19) the constitutional amendment preventing the state from putting a new requirement on local governments without attaching complimentary funding.

Ms. Koutnik asked the committee to imagine the additional bureaucracy involved with inviting the federal government into the school systems. She believed local school districts will be forced to come back and request additional funding after the federal programs are no longer federally-funded. She said she took offense at a national accreditation or national school board

that would be put in place to set criteria for Montana, especially since states like New York, Mississippi, and California come in behind Montana on national scholastic test scores. She is concerned that by default or apathy Montana would be forced to lower its standards just to be on-line with the federal government. She said this creates an opportunity for political mischief and fluctuation of standards depending upon who controls the White House, since this board would answer directly to the President of the United States. No other check or balance system is provided to monitor this process. She recommended that the committee support HB 546.

Inez Howett indicated her support for HB 546. She presented Lamar Alexander's and Bill Bennett's (former head of U.S. Department of Education) testimony to Congress stating the entire Department of Education should be abolished, as a compelling argument for support of this bill and rejection of federal mandates and monies. In reference to the Senate's passage of SB 232, she said it does not make sense to reject state control and yet accept federal government control and management. Goals 2000 is not a voluntary program. Although the word "voluntary" is used profusely throughout the bill, once the state accepts the money, the term "voluntary" becomes "you shall."

She explained three important aspects about Goals 2000: first, Goals 2000 requires all local curriculum to meet federal standards. Secondly, it is tied directly to all elementary and secondary education act funding, making "voluntary" meaningless, since all education funding would be tied to the Goals 2000 funding. A third consideration is the actual amount of money involved. Currently about 7% of funding is received from the federal government, with the total expenditures for K-12 equal to an amount between \$500-600 million. Her understanding was that Montana received only \$450,000 for FY95 for Goals 2000 out of a budget of nearly \$600 million. OPI says Montana can eventually expect to receive about \$100 million from the federal government. Referring to information in the Wall Street Journal, she said President Clinton is asking for an 86% increase to \$750 million for Goals 2000. Assuming that most states participate, that leaves about \$15 million per state, not the \$100 million expected to maintain the program.

Goals 2000 also places control of education into the hands of three non-elected boards. It is important to note that under this system whoever is in control will be mandating their agenda. She felt Montanans care about education and are willing to put their money where their mouth is. Approximately 65% of local funds are directed toward education.

REP. WILLIAM BOHARSKI, HD 79, Flathead Valley, referred to lines 15 and 16 of the bill, indicating that the bill does not say that the State of Montana is rejecting Goals 2000, it just says "we better look before we leap." The Montana Legislature has time after time gotten involved in federal programs for which they

later find the state is under a mandate and must continue to fund the program with state funds. All this bill does is say that the Legislature wants to take a look at Goals 2000 before they start participating in the program, especially given the magnitude of the program.

Fred Happel, Montanans for Better Government, stated his support for this bill, indicating it is time to check federal mandates.

Becky Stockton, Taxpayer and Parent, Helena, voiced her support of HB 546. Unlike those who would defeat the funding of Goals 2000 in hopes of funneling the funds to their particular program, she stated she does not have a profit motive. **Ms. Stockton** stated she was testifying because, as a taxpayer, she is paying for the federal grants, mandates, and "better ideas" only to have them come back to her to pick up the tab when the federal grant runs out.

Amy Orser, Helena, submitted written testimony in support of HB 546. She also submitted written testimony from **Helena Lee, Montana Parents Commission. EXHIBITS 2 and 3**

{Tape: 1; Side: A; Approx. Counter: 386; Comments: n/a.}

Opponents' Testimony:

Carol Paul, Education Chairman, Montana Parent, Teacher, Student Association and Council President for Great Falls PTA, submitted written testimony. **EXHIBIT 4** She outlined four points. First, she said the state asked for this legislation, it was not mandated. She pointed out that the Governor is in support of the program and that the national and Montana Parents and Teachers Association (PTA) asked for Goals 2000. She felt it would help with planning the educational system for the future. PTA was especially interested in the eighth educational goal, which says schools will promote partnerships with parents.

The second point she stressed was the need for the program since the Goals 2000 program provides the money for planning. Goals 2000 provides the money for 30 people to come together as the state's Education Improvement Panel to create "The Montana Plan." It also provides grant monies to schools that choose to participate.

The third point is that the program is optional. When the Education Improvement Panel (EIP) completes its plan the school districts may choose whether or not to adopt this plan. Also it will not become law unless the Board of Education or the Legislature makes it law, the panel does not have that authority.

The fourth item that was made very clear at the EIP's first meeting, was that all their work must be completed by the end of the year. They started with a vision and will go on to review the national goals to determine if they meet Montana's needs. No

matter how the planning process proceeds, the funding will cease at the end of the year. She concluded by asking the committee to defeat HB 546.

Joan Schmidt (Chairman of Montana's Goals 2000 Panel and President Elect of the Montana School Boards Association, and member of the Certification Standards and Practices Advisory Council, and Farm wife), Fairfield, said she also serves on the local school board and is in opposition to HB 546 because it would deprive local school boards of the right to decide whether or not their district should participate in the Goals 2000 program. Local school board members are volunteers who serve their communities in setting school policies. They are dedicated to providing quality education to their students. The fact remains that schools need every resource they can get. She referenced the statement in the bill: "whereas education is the responsibility of state and local governments," and said she found this statement offensive. Parents are the first teachers of their children and the family plays an important role in nurturing these children. Neighbors and other organizations also assist the schools, state government and federal government in educating the children.

Ms. Schmidt stated that the federal government provides important resources for local schools, including the lunch program, Chapter 1 and Chapter 2. Educating children requires more resources than the state can provide. Goals 2000 allows broad representation from around the state. The panel includes a variety of different individuals who are coming together to create a vision for education in the state of Montana. The local districts can apply for funding. In the second year of the program 90% of the Goals 2000 funds will go to local school districts. Once the state plan is approved the local districts can apply for a waiver which would free them from some of the federal program restrictions. She urged the committee to defeat HB 546, because the state should not be making decisions that belong in local communities.

SEN. DARYL TOEWS said the more he studied Goals 2000 the more he determined that local school boards would be making the decisions. He asked if this program gives local control then why should the legislature be afraid of letting the local school boards make the decision. State funds are diminishing and the federal money belongs to the people of the state. For this reason, they need to take a hard look at this program.

Jim Hollenback, Independent Businessman and Member of the Montana Education Plan Committee, said he is opposed to this bill because local control is sufficient and money is needed for education planning.

Shirley DeVoe, Parent, Taxpayer, Educator in Helena, submitted written testimony in opposition to the bill. **EXHIBIT 5**

Wayne Buchanan, Board of Public Education, went on record in opposition to HB 546.

Loran Frazier, School Administrators of Montana, said that to call this a study bill is not true. The way he reads the bill Goals 2000 could not be implemented until July 1997 because it would require another session to enable legislators to place a statute on the books to approve participation in the program.

Larry Fasbender, Great Falls Public Schools, completely agreed with everything said in opposition to this bill thus far. The program is completely voluntary and he found it interesting that some decisions were being given to local school boards and others made by the legislature. He felt this effort to postpone the decision regarding Goals 2000 was a backdoor approach to addressing participation in the program and he urged the committee to address the question directly.

Barbara Ridgeway, Educator and Member of Montana Educational Improvement Plan, Helena, urged the committee to defeat this bill, because this program would provide the resources needed to plan and prepare for the future of education in Montana.

Michael Keedy, Montana School Boards Association, stated their association wanted to be on record opposing HB 546.

Pat Haffey, Education Policy Advisor, Governor's Office, went on record opposing HB 546 and read a letter submitted by Governor Marc Racicot also opposing HB 546. **EXHIBIT 6**

{Tape: 1; Side: B; Approx. Counter: 000; Comments: Pat Haffey's testimony continued until counter #76.}

Gail Gray, Office of Public Instruction, said the Superintendent of Public Instruction is very much opposed to HB 546.

Questions from Committee Members and Responses:

REP. DICK SIMPKINS said he read Goals 2000 and compared the program with the original America 2000 and found them to be significantly different. He asked **Pat Haffey** if Governor Racicot would go on record as opposing any type of mandate from the federal government if it has unappropriated strings attached, such as with Goals 2000.

Ms. Haffey speculated that Governor Racicot would review Goals 2000 to determine which programs are working and which ones are not. He indicated he would stop spending money on programs that are not working. She said it is possible that money currently in the educational system will be channeled into more constructive educational programs.

REP. SIMPKINS asked this question based on the predication that each local school board has the option of participating or not.

His concern regarded the Governor possibly obligating the state as a whole to the Goals 2000 program. Once a school district or the state accepts money from the Goals 2000 program, it obligates the state to the program even if it ties it to a national curriculum. **REP. SIMPKINS** restated his question, asking if the Governor was prepared to oppose the program foregoing the federal funding, if the program tied any or all school districts in the state to a national curriculum.

Ms. Haffey asked **REP. SIMPKINS** if he anticipated the federal government passing legislation that would adopt a national curriculum as part of the Goals 2000 program. **REP. SIMPKINS** replied yes, that is what he believed would happen given the books he has reviewed and the structure of the program. Again, he asked if the Governor would oppose the program if this happens. **Ms. Haffey** said she thought given the scenario of a national curriculum being part of the Goals 2000 program that Governor Racicot would oppose the federal mandate on the schools and turn the money down.

REP. SIMPKINS reviewed efforts being made to turn control of various responsibilities over to local government, especially in the schools. He stated that he views the Goals 2000 program as offering a minimal of funds to study schools, as a carrot so that the state would buy into the larger picture which would impose a national curriculum. He then asked **Loren Frazier** if the national curriculum is attached to the program, would the School Administrators of Montana oppose the program.

Mr. Frazier replied that he imagined they would stand in opposition to that, but indicated that was not his current understanding of the Goals 2000 program. He said he does not see any evidence that the program is moving toward a national curriculum. However, he also stated that they felt the local school boards should have the right to set the curriculum.

REP. SIMPKINS asked **Carol Paul** if she had read the proposed implementing directives for Goals 2000. **Ms. Paul** said they had their first meeting last week and she has not read the proposed implementing directives. He then asked if there was a mandate to adopt a national curriculum through the Goals 2000 program, if the parents and the association of teachers would actively oppose this effort. **Ms. Paul** said they would.

{Tape: 1; Side: B; Approx. Counter: 246; Comments: n/a.}

REP. HARRINGTON asked **Loren Frazier** who selects textbooks in the schools. **Mr. Frazier** responded that most textbooks are chosen by a committee of local individuals. **REP. HARRINGTON** asked if **Mr. Frazier** saw anything in Goals 2000 that would change this selection process in any way. **Mr. Frazier** said he did not. The goals in the program are merely something to shoot for but it would still be up to the local school boards to select their curriculum.

REP. HARRINGTON asked what the main goal of Goals 2000 was. In reading the Goals 2000 program, **Mr. Frazier** felt the program was aimed at bettering education in America.

REP. ARNOTT referenced **Ms. Paul's** testimony where she said that one of the goals of the state's Education Improvement Panel was to review the Goals 2000 and set appropriate goals for Montana. Yet there are a number of education organizations in place in Montana: MEA, SAM, MVA and the Reading Council. **REP. ARNOTT** said she attended the Reading Conference and the MVA Conference last fall. No one at either of these conferences asked her what she thought about Goals 2000, nor was there reference made to goals that these bodies had in mind for the students they serve.

REP. ARNOTT then asked **Joan Schmidt** if any of the groups she is involved with have made a concerted effort to contract and/or survey any of the organizations that are already in place to obtain their input. **Ms. Schmidt** said that it is important to keep in mind that the panel has met just once and that the states are encouraged to build upon what already exists. Goals 2000 allows states that have good strong programs to build upon these programs.

REP. ARNOTT referred to **Ms. Schmidt's** testimony where she said it takes an entire community to educate a child, it is not just the responsibility of the school system. **REP. ARNOTT** then said she realized **Ms. Schmidt** was not personally responsible for the selection of the panel but asked if a clergy person, a boy scout leader or a 4-H leader were asked to serve on the panel. She wondered if the panel was primarily made up of people in education or if people from the private sector would also be involved in contributing to the goals to be developed. **Ms. Schmidt** said she was not involved in the selection of the panel participants. It was a joint effort by the Governor and the Superintendent of Schools and she believed they made a concerted effort to include people from a wide geographical distribution with different views on education from within the state. She was not aware of a clergy representative but mentioned there was a parent representative who has strong ties to what she called the "Christian groups." She said when the panel was introduced she discovered each person was capable of representing numerous aspects of education.

REP. ARNOTT voiced her concern that most of the people on the panel are involved in education and she did not see private sector representation. **Ms. Schmidt** said that if there were areas not represented from the private sector that the process outlined offers numerous opportunities for input. The meeting last week followed a specific agenda during which private individuals could address panel members. She said there will be a newsletter that will be widely distributed to all who are interested in the work of the panel. There will also be two televised town meetings. In addition there will be hearings throughout the state led by

members of the panel to obtain public input. It is impossible on one panel to have representation from every single entity.

{Tape: 1; Side: B; Approx. Counter: 454; Comments: n/a.}

REP. BOB KEENAN asked **Ms. Schmidt** how many meetings they are planning to have a month. She responded three meetings per month. He then asked what the budget was for these meetings. She said she did not have that information at hand. **REP. KEENAN** asked if he had heard correctly at the meeting last week that there is \$149,000 budgeted for the administration of the Montana Plan. **Ms. Schmidt** said that sounded right. **REP. KEENAN** asked the source of the \$149,000. **Ms. Schmidt** said it was her understanding that the federal program was the source.

REP. SAM ROSE asked **Ms. Schmidt** if any schools were mandated to participate in this program. She answered that the program is not designed as a mandate, rather as an opportunity for schools to evaluate what they are doing and what they could be doing better. **REP. ROSE** asked the roles of the local, state and federal governments in the Goals 2000 program. She responded that the local school district was a key component. However, both the state and federal government have to play a significant role because local communities cannot educate the children by themselves.

REP. SONNY HANSON asked **Pat Haffey** for a resume-type background on each of the panel members. **Ms. Haffey** said she thought the committee broke down to: 1/3 individuals from private enterprise, private industry who are also parents, 1/3 individuals who are educators and the final 1/3 consists of individuals who are policy makers, government representatives; legislators included. There are also representatives of parents groups. Sister Catherine from Billings Central School is representing private schools. There are people who are familiar with standards and measurements, who are involved in technology, and who represent business. She believes it is a broad cross-section of Montana's public. **REP. HANSON** asked how many were serving on the panel. She replied 22 or 23. **CHAIRMAN ELLIS** indicated that he could provide that information to the committee should they desire to have it.

{Tape: 1; Side: B; Approx. Counter: 593; Comments: n/a.}

Closing Statement by Sponsor

REP. SUSAN SMITH thanked the committee for a good hearing. She stated that as a parent of two elementary school children she would feel better if the panel members were more knowledgeable about Goals 2000 before they were ready to jump to the defense of this very far-reaching program that could significantly change the course of education, not only in Montana but in the nation. She reiterated that legislators need to make certain that the people who will be asked to provide funding, the legislature,

will have a say. If Goals 2000 is as good as the opponents have said then the legislature will pass its approval. She asked why anyone would be fearful of the legislature doing its job, that of standing between the federal government and the people as a protection.

The Governor says this is not a mandate, but an opportunity. She contended that this is how all mandates start. She asked what would happen if Governor Racicot were not the Governor of Montana. She continued stating that Medicaid was optional, but if the legislature wanted to delete any part of the program the state would lose the entire funding from the federal government. She said that is not state control and it certainly is not local control. She agreed with one opponent who said that parents should be involved. Parents are the number one teacher and should be included in the process.

She felt that even considering participating in Goals 2000 was a move backwards. She said the legislature continually discusses the benefits of local control, and they continually find government grants and mandates at the heart of their inability to be creative. She said that at present they are hand-cuffed in many of their efforts. She felt that Montana has good schools and good teachers. She concluded by urging the committee's favorable support of HB 546.

{Tape: 1; Side: B; Approx. Counter: 677; Comments: n/a.}

HEARING ON HB 374

Opening Statement by Sponsor:

REP. HAL HARPER, HD 52, said this bill was originally sent to the State Administration Committee in error. He explained that this bill is a simple bill that would allow the Teacher's Retirement Board, with the consent of the benefit recipient, to provide a system for automatic withholding from the recipient's benefit check, dues for membership in nonprofit organizations. He stated this bill could save people thousands of dollars and peace of mind. He felt the committee would be amazed at the kind of benefits and opportunities for public educational involvement this system would generate.

Proponent's Testimony:

Natalie Fitzpatrick, President of Montana Retired Teachers and School Personnel Association, spoke in support of the bill, stating it would be of great benefit to the association and its membership. She said it would be a voluntary deduction of dues which could be terminated by the member at any time. This particular service is available to other retired teacher's associations throughout the nation. The states of Colorado, Utah and North Dakota currently utilize a similar system. The Montana

Retired Teachers and School Personnel Association is the only organization where all people who have worked for schools are eligible to participate. She reviewed a number of community projects the organization has been involved in.

{Tape: 2; Side: A; Approx. Counter: 007; Comments: n/a.}

Gladys Peterson, Immediate Past President of Montana Retired Teachers & School Personnel Association, Missoula, said the expansion of membership due to the convenience of this system would enable the organization to further develop the many worthy programs they support. She reviewed a number of these projects. She submitted a copy of the withholding authorization form used by the Utah program. **EXHIBIT 7** She also passed out copies of their recent newsletter. She mentioned that this program would be especially beneficial to older members who want to be informed and involved but who may not remember to pay dues. It would also streamline the correspondence process by maintaining a current address list in one location.

Larry Burlingame, President of Western Montana Retired Teachers and School Personnel Association, said that people go through two stages of retirement. The early stage is easy, but the later stages are more difficult. He felt this bill would assist people in maintaining their membership without hassle. He also submitted written testimony. **EXHIBIT 8**

David Senn, Executive Director, Teacher's Retirement System, Department of Administration, spoke in support of the bill and indicated that it would cost the Teachers' Retirement System nothing to administer. The organizations that wish to participate would sign up their membership for the voluntary deduction of dues and the deductions would be handled by the existing computer program with minimal changes.

Opponent's Testimony: None

Questions from Committee Members and Responses:

REP. WILLIAM REHBEIN asked for clarification regarding whether or not this bill had been tabled in the State Administration Committee. **CHAIRMAN ELLIS** said this bill was tabled in that committee but it was improperly before that committee. It was not officially assigned, therefore, the action to table the bill was null and void. **REP. REHBEIN** said he thought the bill should be in the State Administration Committee given the assignment of similar bills. **CHAIRMAN ELLIS** suggested **REP. REHBEIN** take the matter up with the Speaker of the House.

REP. ROSE asked **Gladys Peterson** how long the membership drive would last. **Ms. Peterson** said the members would sign an authorization once a year for dues to be deducted and the member could cancel at any time.

Closing Statement by Sponsor:

REP. HARPER said this bill would provide no opportunity for solicitation. Nothing would be sent out, that is not allowed. He said the programs supported by this project are absolutely invaluable and he thanked the committee for hearing this bill.

{Tape: 2; Side: A; Approx. Counter: 202; Comments: n/a.}

HEARING ON HB 516**Opening Statement by Sponsor:**

REP. JOHN COBB introduced this bill which is an act requiring the Board of Regents of Higher Education to obtain reimbursement from a Montana public high school for the costs incurred in providing remedial coursework for a first-year student who attended a unit of the Montana University System who also graduated from a Montana public high school. It would require the superintendent of public instruction to reimburse that unit of the university system from the base aid entitlement of a Montana high school. He stated that as he reviewed the Montana constitution he realized that the law could not technically require that they pay this, so he proposed an amendment. He originally proposed that the money come from the high school, but after investigation believed that to be unconstitutional.

The amendment addressed page 1, lines 25 - 28, and he proposed it would read as follows:

Line 24 (2) The superintendent of public instruction shall:

Line 25 (a) request the high school district pay the costs reported from each unit of the university system under the provisions of subsection 1.

Lines 26-28 would be deleted and the amendment would make Section 2 obsolete.

REP. COBB said the bill would basically require the university system to determine who the students are and ask the Superintendent of Public Instruction to request payment from the appropriate high schools. The main point of the bill was to encourage high schools to identify problem(s) and address them. He felt since there currently is little or no feedback from the universities to the high schools, this would assist in locating problems and solving them. If it is not possible to legally make them pay, **REP. COBB** felt the high schools should at least be made aware of the problem. The university would determine the remedial problem and report to OPI. OPI would then request the high school make payment. The high schools could refuse payment, but **REP. COBB** contended that at least they would be aware of the problem. By next session he hopes to have more communication

with the universities and the high schools about these remedial problems.

{Tape: 2; Side: A; Approx. Counter: 282; Comments: n/a.}

Proponents' Testimony:

Don Waldron, Montana Rural Education Association, said he understood what the author was trying to do with this bill. He stated that they also have concerns regarding the constitutionality of the original bill and proceeded to offer another amendment. His amendment would have the request for payment apply only to those students who have taken the college preparatory classes in high school. With this amendment he felt his organization could support the bill.

Opponents' Testimony:

Loren Frazier, School Administrators Association, said he was opposed to the bill as originally written. He said he would have to review it again given the amendment proposed by **REP. COBB**. He also said the original bill did not consider the type of high school classes (college preparatory or not), the GPA or rank of the student in the class. Furthermore it did not reference the enrollment criteria of the university enrolling the student, nor the reason(s) why that student was enrolled. Without taking into account these important factors, **Mr. Frazier** feared this might be the beginning of a "passing-the-blame" type of situation, with the colleges blaming the high schools, high schools blaming the middle schools, middle schools blaming elementary and the elementary turning to the parents. He felt the bill should be studied as it might relate to a "guaranteed diploma" circumstance as is the case in other states. In summary he stated that they would like to have a list of students who are not succeeding but remained concerned about the above mentioned factors. He also wondered if there was any mechanism to ensure that the problem would be fixed.

Gail Gray, Office of Public Instruction, said OPI's opposition softened substantially after **REP. COBB** presented his amendment. She agreed with the need for communication between OPI, units of higher education and Montana high schools. In that respect she viewed the bill favorably. Originally she saw three primary objections to the bill. The first dealt with the fiscal note and the impact this bill would have on high schools that were already financially strapped. Secondly, she felt it was fundamentally flawed; however, these concerns were allayed by **REP. COBB'S** amendment. Thirdly, if there is concern about the skill level of students entering the university system she felt that could be addressed by entrance standards the universities already have in place. Although the entrance exams have not been in place for a long time, they are now functional and could be adjusted to address any needs that are identified. She encouraged use of this route as a primary means of addressing any remedial problems

of university students. She concluded that OPI's opposition was substantially softened after the sponsor's remarks.

Richard Crofts, Office of the Commissioner of Higher Education (OCHE), stated that this was probably the first time someone from education had come before the committee to oppose someone giving them money. He said he was eager to continue to develop the student record system that would permit them to track students in such a way as to provide the information that **REP. COBB** is interested in. It would also provide a means to route this information back to the school districts. **Mr. Crofts** said there was very little interest in billing the local school districts for the cost of the courses for a couple of reasons. One, there is difficulty in defining exactly what is meant by "remedial course." However, even if a definition of "remedial course" could be agreed upon, there are different reasons that lead a person into various remedial courses, some voluntary and others not.

{Tape: 2; Side: A; Approx. Counter: 490; Comments: n/a}

Questions from Committee Members and Responses:

REP. VICKI COCCHIARELLA asked **REP. COBB** if this bill would include a charge to home schoolers whose children have to have remedial course work. **REP. COBB** answered that is a good point, but this bill does not have the power to charge any fees.

REP. SIMPKINS asked **Mr. Crofts** if the remedial courses are paid for by taxpayers. **Mr. Crofts** said many of these courses are paid for with tax dollars, but some are offered through continuing education.

REP. SIMPKINS asked **Mr. Frazier** to explain why some high school diplomas are "pre-college" and others aren't. **Mr. Frazier** explained there is a general track for all students, but some school districts also offer a "pre-college" track which is specifically geared to preparing students for college. An example would be a foreign language requirement in high school. The decision to have a "pre-college" diploma is up to each school district.

{Tape: 2; Side: A; Approx. Counter: 765; Comments: n/a}

REP. DIANA WYATT asked **Ms. Gray** if the way this bill is worded, would it discriminate against students with certain disabilities who need the remedial courses because of their slower learning process. **Ms. Gray** said her understanding of the bill means it does not distinguish special needs students when considering students taking remedial course work.

REP. SAM KITZENBERG asked **REP. COBB** where the fiscal note for this bill was. **REP. COBB** said one hasn't been done.

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REP. KITZENBERG said the committee had earlier passed one of REP. COBB's bills without a fiscal note. He asked REP. COBB if he felt he was above playing by the rules. CHAIRMAN ELLIS said he had seen a fiscal note for the bill previously passed, but regardless, a sponsor is not responsible for the action of a committee passing a bill without a fiscal note.

{Tape: 2; Side: B; Approx. Counter: 000}

REP. HANSON supported the bill but suggested adding to line 6, page 1, ahead of the work "university", the phrase "at a unit of the four-year university system" so it would not reflect on two-year campuses and other units that generally have higher numbers of students needing remedial course work. REP. COBB agreed to this change.

REP. MATT DENNY asked if REP. COBB knew what percentage of the students in remedial courses are non-traditional students. REP. COBB said there isn't a clear answer for this. It is a data gathering area that has only just begun to be considered.

CHAIRMAN ELLIS said he has heard reports that Montana State University-Billings has 39% non-traditional students. That type of information should be available from the university units.

REP. NORM MILLS asked Dr. Crofts if there are entrance exams given that identify students who need remedial course work. Dr. Crofts said that practice varies on the campuses, but each campus does have a mathematics exam to determine which mathematics course they should start in. Several of the campuses give similar exams in English.

REP. MILLS asked Dr. Crofts if, in his opinion, students who enroll in college after a certain age should pay 100% of the costs if they take remedial courses. Dr. Crofts said he doesn't believe a distinction should be made in terms of what people pay based upon their age.

{Tape: 2; Side: A; Approx. Counter: 225}

REP. HARRINGTON said this bill would be better as a resolution. All the bill does is provide information. REP. COBB said as a bill the schools are required to provide the information, a resolution can only request the information.

Closing Statement by Sponsor: None.

{Tape: 2; Side: A; Approx. Counter: 268}

EXECUTIVE ACTION ON HB 516

Motion: REP. HANSON MOVED THAT HB 516 DO PASS.

Motion: REP. HANSON MOVED THE AMENDMENTS TO HB 516.

Discussion:

REP. HANSON asked **Andrea Merrill, Legislative Counsel**, to read the amendments.

Ms. Merrill said she didn't have the amendments worded exactly but basically the title would come out and it would probably read "... requesting the Board of Regents to identify the first time students who have taken remedial course work and send that information to the superintendent." Then, all but subsection 2 of section 1 would come out and all of section 2 - the statutory section - would come out. All that would basically be left is subsection 1 of section 1.

REP. HANSON reminded the committee of the amendment to restrict it to four-year units.

REP. VICKI COCCHIARELLA asked **Ms. Merrill** how the committee can remove the whole title of a bill and start over without violating the rules of the legislative bill process. **Ms. Merrill** answered the only real rule is that "majority rules." Changing the entire title does not really change the bill enough because half the bill is kept. The title has to be rewritten because the bill now just requires information, not reimbursement.

REP. SIMPKINS said school systems have said they don't know what the universities want, yet the high schools must know when they put in certain requirements for graduation like foreign languages. REP. SIMPKINS won't vote for the amendments because it guts the intent of the bill. The bill can be modified with the idea that the Superintendent of Public Instruction can send a bill to high schools for the cost of remedial education because parents expect their children to be ready for college when they get their high school diploma. Parents shouldn't have to pay for remedial courses.

Motion: REP. COCCHIARELLA MOVED TO TABLE THE BILL.

CHAIRMAN ELLIS did not recognize this motion because there were other committee members waiting to speak to the amendments.

REP. DAN HARRINGTON said this bill is "the most ridiculous thing that I've seen in my whole life." The bill doesn't require high schools to pay. Students come from other learning environments than just public schools, but the bill doesn't address that. This would make a nice resolution, but to put it into law is a real waste and a problem.

{Tape: 2; Side: A; Approx. Counter: 480}

REP. HANSON said this bill should include a requirement on the high school level to ensure students are prepared for the

particular college curriculum that they want to take. About eight years ago, 2,500 of the 10,000 students at Montana State University-Bozeman were taking high school level courses. "I feel very strongly that if the students are not prepared and do not have the basic requirements for their particular curriculum, they should not be allowed in college and they should take those courses in high school."

Substitute Motion: REP. HANSON MOVED TO BE ALLOWED TIME TO WRITE OUT THE AMENDMENTS AND PRESENT HB 516 FOR ACTION AT A LATER COMMITTEE MEETING.

Discussion:

REP. HARRINGTON said one of the problems in Montana is there is no junior college system for high school graduates who are not completely prepared for college. It is possible to set up a system which does not have remedial courses, students wouldn't be accepted to the colleges. But that is not acceptable, Montana students deserve a chance to try to get a college education.

{Tape: 2; Side: B; Approx. Counter: 713}

Vote: Motion failed 8-10 with CHAIRMAN ELLIS, REP. ARNOTT, REP. DENNY, REP. HANSON, REP. GEORGE HEAVY RUNNER, REP. MILLS, REP. REHBEIN, and REP. SIMPKINS voting yes.

Motion/Vote: REP. COCCHIARELLA MOVED TO TABLE HB 516. Motion failed 9-9.

Vote: Motion failed 8-10 with CHAIRMAN ELLIS, REP. ARNOTT, REP. DENNY, REP. HANSON, REP. KEENAN, REP. MILLS, REP. REHBEIN, and REP. SIMPKINS voting yes.

Motion/Vote: REP. HARRINGTON moved to TABLE HB 516. Motion carried 12-6 with REP. DENNY, REP. HANSON, REP. KEENAN, REP. MILLS, REP. REHBEIN and REP. SIMPKINS voting no.

{Tape: 4; Side: A; Approx. Counter: 00; Comments: First motion was not recorded}

EXECUTIVE ACTION ON HB 374

Motion: REP. MATT DENNY MOVED HB 374 DO PASS.

Discussion:

REP. HANSON spoke against HB 374 and said this is more a convenience for the Teachers' Retirement Board than for the retirees. Some older people are inclined to sign authorization forms without understanding what they are signing.

REP. REHBEIN spoke against HB 374. He said it is not right to take away someone's decision making powers by taking away their

responsibilities. Groups such as the American Association of Retired Persons (AARP), which automatically include people as members without having them go through a membership process, are taking away decision making powers.

REP. GAY ANN MASOLO said that although her name is on the bill, she is now against the bill. She believes teachers' retirement payments being held out is acceptable, but not the other withholding areas the bill allows.

REP. HARRINGTON said this bill doesn't force withholding on anyone, each person can make their own decision about it. This bill is just the mechanism needed in law to allow the withholdings for people who elect to use the withholding.

Vote: Motion failed 5-13 with REP. COCCHIARELLA, REP. HARRINGTON, REP. JOAN HURDLE, REP. KITZENBERG and REP. DEBBIE SHEA voting yes.

Motion/Vote: REP. DENNY MOVED TO TABLE HB 374. Motion carried 13-5 with REP. COCCHIARELLA, REP. HARRINGTON, REP. HURDLE, REP. KITZENBERG and REP. SHEA voting no.

{Tape: 3; Side: A; Approx. Counter: 135; Comments: n/a}

EXECUTIVE ACTION ON HB 546

Motion: REP. MILLS MOVED THAT HB 546 DO PASS.

Discussion:

REP. HANSON said the bill, on line 15, section 1, says a state agency may not participate in provisions, but school districts are not classified as state agencies. REP. SUSAN SMITH said in some instances school districts are classified as state agencies. This bill does not specifically state that classification either way. Because there is no classification, a school district probably isn't covered.

REP. COCCHIARELLA said the best opposition to this bill was stated in testimony by an opponent who said "education is the responsibility of state and local government." Education is a global responsibility, of government and the parents. This bill goes far in the wrong direction for making positive changes in education.

Motion/Vote: REP. COCCHIARELLA MOVED TO TABLE HB 546. Motion carried 10-8 with CHAIRMAN ELLIS, REP. ARNOTT, REP. DENNY, REP. HANSON, REP. JACK HERRON, REP. KEENAN, REP. MILLS, REP. SIMPKINS voting no.

{Tape: 3; Side: A; Approx. Counter: 280; Comments: n/a}

EXECUTIVE ACTION ON HB 485

Motion: REP. ROSE MOVED THAT HB 485 DO PASS.

Motion: REP. REHBEIN MOVED THE AMENDMENTS FOR HB 485.

Discussion: CHAIRMAN ELLIS asked Ms. Merrill to explain the amendments.

Ms. Merrill said the only thing in the title that came out was term limits for members of the board. The retroactive applicability date on past projects came out. The other major change is number 4, on the top of page 2. The list of all the different types of persons from industries and entities that might be additional members, were changed by REP. ERNEST BERGSAGEL to the more generic "Persons who represent a broad section of Montana society and whose future reflects ..." Some of these changes from number nine through 17 have more to do with making sure there's fuller reporting with regard to the eligibility. The requirement for an applicant to pay for a percentage of the projected cost as part of a mitigation plan is out.

{Tape: 3; Side: A; Approx. Counter: 485; Comments: n/a}

CHAIRMAN ELLIS asked Mr. Fitzpatrick to address amendments seven through seventeen. Mr. Fitzpatrick Those amendments are intended to be technical amendments to make the responsibilities of the historic preservation officer clear.

Vote: Motion carried 16-2 with REP. COCCHIARELLA and REP. HEAVY RUNNER voting no.

{Tape: 3; Side: A; Approx. Counter: 675; Comments: n/a}

Motion: REP. ROSE MOVED HB 485 DO PASS AS AMENDED.

Discussion:

REP. HEAVY RUNNER spoke in opposition to the bill. The added amendments only serve to disguise the intent of the bill, which will not stand up to the original intent of the national historic preservation act.

Vote: Motion carried 11-7 with REP. COCCHIARELLA, REP. HEAVY RUNNER, REP. HURDLE, REP. KEENAN, REP. MILLS, REP. SHEA and REP. WYATT voting no.

{Tape: 3; Side: A; Approx. Counter: 840}

EXECUTIVE ACTION ON HB 437

Motion: REP. HANSON MOVED THAT HB 437 DO PASS.

Discussion:

CHAIRMAN ELLIS explained this bill addresses outlying elementary school districts which do not represent a half of one trustee on the high school board. This is a direct response to the 1993 session request from the Senate to give these districts a non-voting member.

{Tape: 3; Side: B; Approx. Counter: 00; Comments: Beginning of vote isn't on tape}

Vote: Motion carried 11-6 with **REP. COCCHIARELLA, REP. HARRINGTON, REP. HEAVY RUNNER, REP. HURDLE, REP. SHEA,** and **REP. WYATT** voting no and **REP. ARNOTT** abstaining.

{Tape: 3; Side: B; Approx. Counter: 29; Comments: n/a}

EXECUTIVE ACTION ON HB 431

Motion: **REP. WYATT** MOVED THAT HB 431 DO PASS.

Motion: **REP. HANSON** MOVED THE AMENDMENTS FOR HB 431 - ATTACHMENTS B AND C.

Discussion:

REP. ELLIS asked for an explanation of the amendments. **REP. HANSON** said he was concerned that HB 431 changed HB 667. These amendments clarify the portion of the school budget which requires voter approval and changes the voter approval from the budget authority to the mill levy. When the voters change from voting on budget authority to the mill levy, any monies that come in additionally would be included in the base budget. When voting on the mill levy, that only involves an incremental increase. To keep the bill in the original context of HB 667, it is necessary to accept attachments B and C as amendments to HB 431.

Vote: Motion carried unanimously.

Motion/Vote: **REP. WYATT** MOVED HB 431 DO PASS AS AMENDED. Motion carried unanimously.

{Tape: 3; Side: B; Approx. Counter: 200; Comments: n/a}

EXECUTIVE ACTION ON HB 369

Motion/Vote: **REP. REHBEIN** MOVED TO RECONSIDER HB 369. Motion CARRIED 12-6 with **REP. COCCHIARELLA, REP. HARRINGTON, REP. HEAVY RUNNER, REP. HURDLE, REP. SHEA** and **REP. WYATT** voting no.

Motion: **REP. KEENAN** MOVED HB 369 DO PASS.

Motion: REP. MILLS MOVED AMENDMENTS FOR HB 369.

Discussion:

REP. SIMPKINS said the primary purpose of the amendments are to make the state and federal laws consistent as to what the state can ask from students. The state is not allowed to ask about political affiliations, mental and psychological problems potentially embarrassing to the student or the family, etc. The intent of the amendments is to remove everything else from the bill, with the exception of page 1, line 30, amendment number 5 "the protection of student rights in 20 USC 1232h." The Montana School Board Association agrees with this change.

{Tape: 3; Side: B; Approx. Counter: 408; Comments: n/a}

REP. COCCHIARELLA said she considers this motion to be a form of legislative deceptive practice, which the committee has already done more than once. There was a hearing on the bill, and now these amendments are changing the meaning of the bill without giving notification for a hearing. In addition, the bill had already been tabled. This kind of action is one of the things that causes the public to distrust the legislature. "I object to [this] and I might go to the press with it, not as a threat but to raise the issue that these people who were here that day are not here today testifying on this amendment which changes this bill. That's wrong and I resent to be a part of the legislature that is doing that with this kind of legislation."

CHAIRMAN ELLIS said REP. COCCHIARELLA's objection is noted. He feels the bill is only less than it was before.

REP. DENNY said if this bill passes through the House it will get an additional public hearing in the Senate.

REP. HURDLE asked the title of the bill with amendments. REP. SIMPKINS said it is now titled "An act requiring school district trustees and personnel in compliance with federal protection for families and student privacy and other student rights."

REP. HERRON said the committee quotes the federal government again only to its convenience. He thought the committee tended to bash the federal government, but is now using it to pass a bill. "It's just kind of hypocritical, I think."

Vote: Motion carried 11-7 with REP. ARNOTT, REP. COCCHIARELLA, REP. HARRINGTON, REP. HURDLE, REP. KITZENBERG, REP. SHEA and REP. WYATT voting no.

Motion/Vote: REP. KEENAN MOVED HB 369 DO PASS HB AS AMENDED. Motion carried 11-7 with REP. ARNOTT, REP. COCCHIARELLA, REP. HARRINGTON, REP. HURDLE, REP. KITZENBERG, REP. SHEA and REP. WYATT voting no.

{Tape: 3; Side: B; Approx. Counter: 625; Comments: n/a}

REP. SIMPKINS said "I want to go on record that in the State Administration Committee we had one Democrat change the vote and change the status of the bill. We reconsidered that from courtesy and the bill was passed out on the floor. We also took a bill off the table in order to improve it because the sponsor worked on the amendments and that you will see on the floor too, we made extensive modifications. That was another courtesy. I just want to advise you that this is normal committee procedure, if there's a way to make a bill more palatable, and make a better bill for Montana, it's the reason we do these actions."

{Tape: 3; Side: B; Approx. Counter: 664}

EXECUTIVE ACTION ON HB 233

CHAIRMAN ELLIS explained this is HB 132 and HB 233 combined into HB 233.

Motion: **REP. KEENAN MOVED HB 233 DO PASS.**

Motion: **REP. KEENAN MOVED THE AMENDMENTS TO HB 233.**

Discussion:

CHAIRMAN ELLIS asked for an explanation of the bill and amendments. **Ms. Merrill** said these amendments were a collaboration of the Office of Public Instruction and the Fergus County Superintendent of Schools. The intent is to determine the best way to make a dissolution of a K-12 school district work. Both **REP. MENAHAN** and **REP. KNOX**, when they presented HB 132 and HB 233, suggested the reason for dissolving a K-12 would be for annexation of consolidation with another school district. These amendments speak to that as well as the proposition to be given to the public about the dissolution. Other amendments address the concept of the consolidation or annexation. Starting with amendment number seven is the information in regard to who's in charge of the financial obligations of the remaining school district. It would be the district that's not going to be annexed or consolidated. The trustees will stay to be the trustees of the original district until the natural time of elections. All the tangible property, cash and receivables remaining to the credit of the K-12 will become the property of the territory that's not annexed. **REP. KNOX** has said if his county superintendent and OPI agreed on the amendments, he agreed.

Vote: Motion carried 17-1 with **REP. DENNY** voting no.

Motion/Vote: **REP. KEENAN MOVED HB 233 DO PASS AS AMENDED.**

Motion carried unanimously.

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

Motion/Vote: REP. HANSON MOVED TO TABLE HB 132. Motion CARRIED unanimously.

{Tape: 4; Side: A; Approx. Counter: 00; Comments: n/a}

EXECUTIVE ACTION ON HB 221

Motion: REP. HERRON MOVED HB 221 DO PASS.

Motion: REP. HERRON MOVED HB 221 AMENDMENTS DO PASS.

Discussion: REP. HERRON went over the amendments to HB 221.

REP. HARRINGTON said it seems these amendments are just gutting the bill. He asked for an explanation of what is being done with the county superintendent's office.

CHAIRMAN ELLIS explained the bill says it is no longer required that the county superintendent be a certified teacher if the superintendent's position has been combined with the county treasurer's office. While it is important for the person in that position to have a bookkeeping background, a teaching background may not be as important to carry on the business duties of the superintendent's office.

REP. HARRINGTON asked if combining the positions would make the country treasurer, for instance, the superintendent of schools with all attendant duties. CHAIRMAN ELLIS answered it would.

{Tape: 4; Side: A; Approx. Counter: 235}

REP. COCCHIARELLA said she objected to the issue of changing a bill substantially without public hearing. She read from Joint Rules 49B, "A law may not be passed except by bill. A bill may not be so altered or amended on its passage through either house as to change its original purpose."

CHAIRMAN ELLIS noted REP. COCCHIARELLA's objection.

Vote: Motion failed 8-10 with CHAIRMAN ELLIS, REP. ARNOTT, REP. DENNY, REP. HANSON, REP. HERRON, REP. MILLS, REP. REHBEIN, and REP. SIMPKINS voting yes.

Motion/Vote: REP. HARRINGTON MOVED TO TABLE HB 221. Motion failed 8-9 with REP. ARNOTT, REP. COCCHIARELLA, REP. HARRINGTON, REP. HEAVY RUNNER, REP. HURDLE, REP. KITZENBERG, REP. SHEA and REP. WYATT voting yes and REP. MASOLO abstaining.

Motion: CHAIRMAN ELLIS MOVED THE AMENDMENTS TO HB 221.

Discussion:

CHAIRMAN ELLIS said these amendments address two sections of the 130 sections of the original bill and no sections are stricken. These amendments allow this bill to happen. The bill has been considered carefully, 12 sections were struck that were determined to be superfluous. If the bill passes through the House, the amendments will get full public hearing in the Senate. The committee did not vote to kill this bill, so **CHAIRMAN ELLIS** is moving the amendments again.

{Tape: 4; Side: A; Approx. Counter: 425; Comments: n/a}

REP. HARRINGTON said the counties already have the right to do away with the county superintendent. What the committee is saying is, "This isn't a very good bill but let's send it over to the Senate, then we'll start all over again."

REP. HARRINGTON said it is unbelievable that the legislature is sending out a bill to do away with the county superintendents. "I can't believe how poor this is. ... I have real problems with the theory behind this."

REP. HEAVY RUNNER said he respectfully disagreed with the amendments, even though the Task Force to Renew Government did give this recommendation. There has been a tremendous amount of communication from constituents, including county commissioners and citizens of school districts, in opposition to this bill.

REP. COCCHIARELLA said she has also received a phenomenal amount of opposing mail on this issue. Part of the problem was the bill was stated in a fashion that flew in the face of many of the local governments. It eliminates duties but leaves the position intact. As the subcommittee reviewed the bill it became apparent there were a lot of issues on the books that don't need to be done by the county superintendent. The subcommittee recognized that some counties do have combined county superintendents and county treasurers, or they are legally, by the hand of the legislature, allowed to combine those offices.

{Tape: 4; Side: A; Approx. Counter: 640}

REP. HURDLE said the way this bill has been handled has not been good. **REP. SIMPKINS** was the first chairman of the subcommittee (before he resigned and **REP. HERRON** became chairman). During one of the subcommittee meetings, three of the five members wanted to table the bill, but **REP. SIMPKINS**, serving as chairman, didn't allow it.

REP. HANSON said in 1991, when there was a Democrat majority on this committee, the Republicans complained in the same manner about forcing bills through.

REP. HANSON said constitutionally counties must have a superintendent, the office cannot be eliminated. This bill is just trying to modify options for the counties on whether they want to combine the office or have it remain separate. If it is combined, some of the requirements must be removed.

REP. SIMPKINS explained he resigned as chairman of the subcommittee because he realized he was more involved in pushing the bill than was appropriate for the chair. This bill will allow counties to have the county treasurer do the duties of the superintendent without having to contract out at a high cost for those services. This bill has a lot of research involved and addressed some important issues. It should be passed to the Senate where it can continue to be worked on.

{Tape: 4; Side: A; Approx. Counter: 892; Comments: n/a}

REP. COCCHIARELLA said the law, MCA 7-4-2203-2302-2303, clearly provides local governments, through the county commissioners or 15% of the registered electors, to initiate the process for consolidation of offices. Counties already have the ability to combine the superintendent's office. It's not necessary for this legislation to go through now that the intent of the legislation has been dramatically changed.

REP. ARNOTT said it seems to be a mockery to eliminate duties but not the position.

{Tape: 4; Side: B; Approx. Counter: 00; Comments: n/a}

REP. ARNOTT explained the subcommittee was not well attended, and in the end this bill was not considered in its entirety. These amendments are really just a shell.

REP. HANSON suggested the motion to pass the amendments be withdrawn and the committee just vote on a do pass motion for the bill.

CHAIRMAN ELLIS said he would not withdraw the motion.

REP. SIMPKINS said the constitution allows for combining office, but not eliminating offices. Offices can only be eliminated under a charter form of government, which currently only Silver Bow County has. Smaller counties should be able to use a merger county under contract, so the county superintendent of schools could serve two-three counties on a better basis for education purposes rather than frivolous bookkeeping purposes. That's the entire purpose of this bill.

REP. MILLS said unless the bill is based on the requirement that the county superintendent be a certified teacher, it will remain.

Vote: Motion carried 10-8 with REP. ARNOTT, REP. COCCHIARELLA, REP. HARRINGTON, REP. HEAVY RUNNER, REP. HURDLE, REP. KITZENBERG, REP. SHEA and REP. WYATT voting no.

Motion: REP. HERRON MOVED HB 221 DO PASS AS AMENDED.

Discussion:

REP. COCCHIARELLA read from the constitution, "The legislature shall provide methods for governing local government units and procedures for incorporating, classifying, merging, consolidating and dissolving such units and altering their boundaries. The legislature shall provide such optional or alternative forms of government that each unit or combination of units may adopt, amend or abandon an optional or alternative form by the majority of those voting on the questions. One optional form of county government includes but is not limited to the election of three county commissioners, a clerk and recorder, a clerk in district court, a county attorney, a sheriff, a treasurer, a surveyor, a county superintendent of schools, an assessor, a coroner, a public administrator. The terms and qualifications of duties and compensations of those offices shall be provided by law. The board of county commissioners may consolidate two or more such offices, the boards of two or more counties may provide for a joint office for the election of one official to perform the duties of such office in those counties."

Vote: Motion carried 11-7 with REP. COCCHIARELLA, REP. HARRINGTON, REP. HEAVY RUNNER, REP. HURDLE, REP. KITZENBERG, REP. SHEA, and REP. WYATT voting no.

{Tape: 4; Side: B; Approx. Counter: 288; Comments: n/a}

EXECUTIVE ACTION ON HB 57

CHAIRMAN ELLIS said the Department of Commerce has asked the committee to amend HB 57 since it did not pass. HB 57 as amended would limit the Department of Commerce's duties to licensure and bonding.

REP. REHBEIN asked why the Department of Commerce didn't want the responsibility for accreditation of schools. CHAIRMAN ELLIS said it's because the Department of Commerce isn't equipped to accredit schools.

Motion/Vote: REP. HARRINGTON MOVED TO RECONSIDER HB 57. Motion carried 15-3 with REP. ARNOTT, REP. DENNY and REP. KITZENBERG voting no.

Motion: REP. HARRINGTON MOVED HB 57 DO PASS.

Discussion:

REP. HARRINGTON said the Department of Commerce will continue with licensure and bonding regardless of this bill's passage. This bill just makes it law.

REP. ARNOTT said the Department of Commerce should maintain the responsibility for accreditation and hold the schools to a certain degree of responsibility.


REP. HARRINGTON agreed with REP. ARNOTT that the schools should be made accountable for their standards, but testimony has proven the Department of Commerce is not equipped to provide that service. If the committee wishes to kill this bill, REP. HARRINGTON doesn't have strong objections.


Motion/Vote: REP. SIMPKINS MOVED TO TABLE HB 57. Motion carried 13-5 with CHAIRMAN ELLIS, REP. COCCHIARELLA, REP. HEAVY RUNNER, REP. HURDLE and REP. KITZENBERG voting no.

ADJOURNMENT

Adjournment: 7:10 p.m.


ALVIN ELLIS, JR., Chairman


for NANCY MEULI, Recording Secretary


for PAULA CLAWSON, Recording Secretary

AE/nm/pc

HOUSE OF REPRESENTATIVES

Education

ROLL CALL

DATE 2-15-95

| 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 16, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 485 (first reading copy -- white) do pass as amended.

Signed: 
Alvin Ellis, Jr., Chair

And, that such amendments read:

1. Title, lines 7 through 9.
Following: "OFFICER;"
Strike: remainder of line 7 through "OFFICER;" on line 9
2. Title, line 12.
Following: "PROPERTY;"
Insert: "AND"
3. Title, line 13.
Following: "MCA"
Strike: remainder of line 13 through "DATE"
4. Page 2, lines 1 through 9.
Strike: line 1 through "products" on line 9
Insert: "who represent a broad spectrum of Montana society and whose views reflect the rich cultural heritage of the past as well as the opportunities of the future"
5. Page 2, lines 10 and 11.
Following: "reappointed" on line 10
Strike: remainder of line 10 through "years" on line 11
6. Page 2, line 15.
Following: "(b)"
Strike: "(i)"
Following: "list of"

Committee Vote:
Yes 11, No 7.

401016SC.Hbk

Strike: "five"
Insert: "three"

7. Page 2, lines 16 and 17.
Following: "by the" on line 16
Strike: remainder of line 16 through "governor" on line 17
Insert: "director of the Montana historical society with the
approval of the Montana historical society board of
trustees"

8. Page 2, lines 18 and 19.
Strike: subsection (ii) in its entirety

9. Page 4, line 29.
Following: "or that"
Insert: "a heritage property is involved but"

10. Page 4, line 30.
Following: "finding"
Insert: "must address all properties or remains reviewed and"

11. Page 5, line 3.
Following: "involved"
Strike: "or"
Insert: "and"

12. Page 5, line 7.
Following: "that"
Insert: "a property or remains may be eligible but"
Strike: "make"
Insert: "reach"
Strike: "determination"
Insert: "finding"

13. Page 5, line 8.
Following: "required"
Insert: "in accordance with standards and guidelines as provided
in [section 4]"

14. Page 5, line 9.
Strike: "the proposed"
Insert: "a"
Following: "finding"
Insert: "of adverse effect"

15. Page 5, line 17.
Following: "register"

Insert: "or a finding of adverse effect to the property"

16. Page 5, lines 26 and 27.

Following: "Avoidance of" on line 26

Strike: remainder of line 26 through "development of or" on line
27

17. Page 5, line 29.

Strike: "development of or"

18. Page 6, line 3.

Strike: "responds to a request for consultation"

Insert: "submits a proposed finding under [section 5(3)]"

19. Page 6, lines 4 and 5.

Strike: subsection (3) in its entirety

20. Page 6, lines 7 through 13.

Strike: section 7 in its entirety

Renumber: subsequent sections

-END-

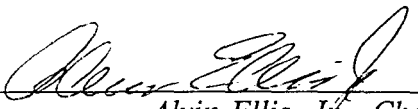


HOUSE STANDING COMMITTEE REPORT

February 16, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Education and Cultural Resources** report that **House Bill 437** (first reading copy -- white) do pass.

Signed: 
Alvin Ellis, Jr., Chair

Committee Vote:
Yes 11, No 6.

401015SC.Hbk



HOUSE STANDING COMMITTEE REPORT

February 16, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 431 (first reading copy -- white) do pass as amended.

Signed: 
Alvin Ellis, Jr., Chair

And, that such amendments read:

1. Title, line 4 through 6.

Following: "ACT" on line 4

Strike: remainder of line 4 through "AUTHORITY" on line 6

Insert: "CLARIFYING THE PORTION OF A SCHOOL DISTRICT GENERAL FUND BUDGET THAT REQUIRES VOTER APPROVAL"

2. Page 1, line 14.

Following: "(a) a"

Insert: "budget amount up to the"

Strike: "~~exceeds~~"

Insert: "is within"

Strike: "or"

Insert: "and"

3. Page 1, line 15.

Strike: "(a)"

4. Page 1, line 18.

Following: "budget"

Insert: "amount"

5. Page 1, line 19.

Strike: "(b)"

6. Page 1, line 20.

Committee Vote:

Yes 18 No 0

401014SC.Hbk

Strike: "an"

Insert: "a voted".

Strike: "from a district levy"

7. Page 1, lines 22 and 23.

Following: "~~amount~~"

Strike: remainder of line 22 through "20-9-369" on line 23

8. Page 1, line 24.

Strike: "excess"

Insert: "additional"

9. Page 1, line 30 through page 2, line 2.

Following: "~~expended~~"

Strike: remainder of line 20 through "levy" on page 2, line 2

Insert: "the district be authorized to expend the sum of (state the additional amount to be expended)"

10. Page 2, lines 3 and 4.

Following: "~~made~~" on line 3

Strike: remainder of line 3 through "district" on line 4

Insert: "(insert the purpose for which the additional financing is made)"

11. Page 2, lines 5 and 6.

Strike: "the" in two place

Insert: "budget authority and any" in two places

12. Page 2, line 14.

Following: "tax"

Strike: "under" through "section"

Insert: "to support a budget amount adopted as allowed by 20-9-308(4)"

13. Page 2, line 15.

Following: "year"

Strike: "and must be authorized by a"

Insert: "."

(5) All levies adopted under this section must be authorized by a"

Renumber: subsequent subsection

14. Page 2, line 17

Following: "finance"

Strike: "a"

Insert: "an increased amount up to the"

15. Page 2, line 18.

Following: "an"
Insert: "increased"

16. Page 2, line 20.
Following: "district" on line 19
Insert: "as allowed by 20-9-308(4)"

-END-



HOUSE STANDING COMMITTEE REPORT

February 16, 1995

Page 1 of 2

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 369 (first reading copy -- white) do pass as amended.

Signed: 
Alvin Ellis, Jr., Chair

And, that such amendments read:

1. Title, lines 5 through 9
Following: "WITH" on line 5
Insert: "FEDERAL"
Following: "PRIVACY" on line 5
Insert: "AND OTHER STUDENT RIGHTS"
Following: "PRIVACY;"
Strike: remainder of line 5 through "PROGRAM;" on line 9
2. Page 1, line 13.
Strike: "through 5"
Insert: "and 2"
3. Page 1, line 16.
Strike: section 2 in its entirety
Renumber: subsequent sections
4. Page 1, line 29.
Following: "Family"
Strike: "and"
5. Page 1, line 30
Following: "1232g)"
Strike: ", "
Insert: "and with protection of student rights in 20 U.S.C.
1232h"

Committee Vote:

Yes 11, No 7.

401006SC.Hbk

6. Page 2, line 3.

Following: "privacy"

Insert: "and the protection of student rights"

Following: "sections 1"

Strike: "through 5"

Insert: "and 2"

7. Page 2, line 5.

Following: line 4

Strike: the first "through 5"

Insert: "and 2"

Following: the second "sections 1"

Strike: "through 5"

Insert: "and 2"

8. Page 2, line 7 through page 3, line 25.

Strike: sections 4 and 5 in their entirety

Renumber: subsequent section

9. Page 3, line 27.

Strike: "through 5"

Insert: "and 2"

10. Page 3, lines 28 and 29.

Following: "sections 1"

Strike: remainder of line 28 through "5" on line 29

Insert: "and 2"

-END-



HOUSE STANDING COMMITTEE REPORT

February 16, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 233 (first reading copy -- white) do pass as amended.

Signed: _____

Alvin Ellis, Sr.
Alvin Ellis, Sr., Chair

And, that such amendments read:

1. Page 1, lines 9 through 23.

Following: "district." on line 23

Strike: remainder of line 9 through line 23.

Insert: "(1) In order to dissolve a K-12 district under the provisions of this section, the electors of the K-12 district shall approve a proposition dissolving the K-12 district for the purpose of annexing or consolidating the K-12 district's elementary or high school program with an adjacent school district or districts in an ensuing school fiscal year under the provisions of 20-6-203 through 20-6-208 or 20-6-315 through 20-6-319.

(2) If the entire territory of the dissolving K-12 district will be annexed or consolidated with an adjacent district or districts, the resolution or petition required in subsection (1) must contain a description of the manner in which the real and personal property and funds of the district are to be apportioned in the dissolution of the district and the subsequent annexation or consolidation with one or more other districts. If a portion of the dissolving K-12 district will not be annexed or consolidated with another district or districts and the resolution or petition does not contain a description of the apportionment of funds and property, the provisions of subsection (4)(c) must be used to determine the disposition of property and funds."

2. Page 1, line 24.

Committee Vote:
Yes 18, No 0.

401020SC.Hbk

Strike: "(4)"

Insert: "(3)"

3. Page 1, line 25.

Following: "district"

Insert: "and from each district included in a consolidation proposition"

4. Page 1, line 25.

Following: "dissolution"

Insert: "and annexation or consolidation"

5. Page 1, line 26.

Following: the first "proposition"

Strike: "has"

Insert: "or propositions have"

6. Page 1, line 26.

Following: the second "proposition"

Insert: "and each district involved in a consolidation has approved the consolidation proposition"

7. Page 2, line 2.

Insert: "(4) Whenever a K-12 district is dissolved for the purpose of annexing or consolidating the high school or elementary program with one or more other districts, the following provisions apply:

(a) The trustees of the K-12 district are the trustees of the district whose territory is not consolidated or annexed to one or more adjacent districts upon dissolution of the K-12 district.

(b) The trustees of the district whose territory is not annexed or consolidated upon dissolution of the K-12 district are responsible for the execution of remaining financial obligations of the K-12 district, including tuition.

(c) Unless otherwise provided for in the proposition for dissolution of the K-12 district, all the tangible property, real and personal, of the K-12 district and all cash and receivables remaining to the credit of the K-12 district after providing for payment of outstanding debts, except bonded indebtedness, become the property of the district whose territory is not annexed or consolidated with one or more adjacent district

(d) The provisions of 20-6-410 apply for tenure teachers in the dissolution of a K-12 district.

(e) For purposes of applying the budget limitation provisions of 20-9-308, the budget of a K-12 district during its last year of operations as a K-12 district will be prorated based

February 16, 1995
Page 3 of 3

on rules promulgated by the superintendent of public
instruction."

-END-




HOUSE STANDING COMMITTEE REPORT

February 16, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Education and Cultural Resources report that House Bill 221 (first reading copy -- white) do pass as amended.

Signed: 
Alvin Ellis, Jr., Chair

And, that such amendments read:

1. Title, line 6.
Strike: "DUTIES OF"
Insert: "REQUIREMENT THAT"
2. Title, lines 7 through 25.
Following: "SCHOOLS" ON LINE 7
Insert: "HOLD A VALID TEACHING CERTIFICATE AND HAVE AT LEAST 3 YEARS' TEACHING EXPERIENCE"
Following: "SCHOOLS;" on line 7
Strike: remainder of line 7 through "PROCEDURE;" on line 10
Insert: "ELIMINATING THE REQUIREMENT THAT THE COUNTY COMMISSIONERS CONTRACT WITH A PERSON WITH CERTAIN QUALIFICATIONS, IN ORDER TO EXECUTE DUTIES WITH REGARD TO SCHOOL SUPERVISION AND SCHOOL CONTROVERSIES;"
Following: "SECTIONS" on line 10
Strike: remainder of line 10 through "20-3-106," on line 11
Following: "20-3-201,"
Strike: "20-3-202,".
Following: "20-3-204,"
Strike: remainder of line 11 through "20-9-348," on line 25
Strike: "A DELAYED" on line 25
Insert: "AN IMMEDIATE"
3. Page 1, line 29 through page 108, line 2.
Strike: everything following the enacting clause
Insert: "Section 1. Section 20-3-201, MCA, is amended to read:

Committee Vote:
Yes 10, No 8.

401017SC.Hbk

"20-3-201. Election and qualifications -- part-time office allowed. (1) A county superintendent must be elected in each county of the state unless a county manager form of government has been organized in the county. The county superintendent must be elected at the general election preceding the expiration of the term of office of the incumbent.

~~(2) Upon verification by the county clerk and recorder, a person is qualified to file for and assume the office of county superintendent who:~~

~~(a) is a qualified elector;~~
~~(b) holds a valid, current class 1 professional certificate, class 2 standard certificate, or class 3 administrative and supervisory certificate issued by the superintendent of public instruction; and~~
~~(c) has at least 3 years of successful teaching experience.~~

~~(3) (a) (2) (a)~~ When the office of county superintendent of schools is consolidated with another one or more county office offices within the county, the officeholder must have the qualifications listed in subsection (2) or shall, with the approval of the governing body, may contract for the full performance of the duties required of a county superintendent in 20-3-207 and 20-3-210 with:

(i) another county superintendent, with the approval of the governing body of that county;
(ii) a former county superintendent; or
(iii) a person who:
(A) is a qualified elector;
(B) holds a valid administrative certificate as provided in 20-4-106(1)(c);
(C) takes the oath of office in 20-1-202;
(D) is bonded in the manner provided for county officers in Title 2, chapter 9, part 7; and
(E) attends instructional training in the duties of a county superintendent as offered by the superintendent of public instruction.

(b) Whenever a governing body contracts with a person for performance of the duties required of a county superintendent under the provisions of subsection ~~(3)(a)(iii)~~ (2)(a)(iii), the contract must be for at least the duration of 1 school fiscal year.

(c) The superintendent of public instruction shall prescribe a contract form to be used.

~~(4)(3)~~ The board of county commissioners may establish the office of county superintendent as a part-time office under the provisions of 20-3-213, and adjust the salary established in 7-4-2503 to make it commensurate with the reduction in hours. A part-time county superintendent shall perform all duties of that office that are required by law."

Section 2. Section 20-3-204, MCA, is amended to read:

"20-3-204. **Office hours.** (1) Except for a part-time county superintendent provided for under 20-3-201~~(4)~~, the county superintendent of schools shall keep the office of the county superintendent open from 8 a.m. until 5 p.m. every day when the county superintendent is not engaged in the supervision of schools except on holidays and on Saturdays, provided that when the county superintendent has a deputy or clerk, the office must be kept open from 8 a.m. until 5 p.m. every day except holidays and except Saturdays. The office must be kept open at all times as business may require.

(2) This section does not apply to counties operating under the county manager plan."

NEW SECTION. **Section 3. Effective date -- applicability.**

[This act] is effective on passage and approval and applies to each county upon the beginning of the next term of office after [the effective date of this act]."

-END-

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 516 NUMBER _____

MOTION: Harrington - Table

| 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 | ✓ | |
| 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 2-15-95 BILL NO. 516 NUMBER _____

MOTION: Amendments - Hanson Do Pass

| 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 | |

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-94 BILL NO. 516 NUMBER _____

MOTION: Bill - Hanson Do Pass

| 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 |

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 233 NUMBER _____

MOTION: Amendments - Keenan Do Pass

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

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 233 NUMBER _____

MOTION: Bill - Keenan Do Pass

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

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE _____ BILL NO. 132 NUMBER _____

MOTION: Hanson - Table

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

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 37A NUMBER _____

MOTION: Bill - Denny Do Pass
Table - vote reversed

| 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 |

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 5410 NUMBER _____

MOTION: Table - Cocchiarella

| NAME | AYE | NO |
|--|--------------|----|
| Rep. Alvin Ellis, Jr., Chairman | | X |
| Rep. Peggy Arnott, Vice Chairman, Majority | X | 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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HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 546 NUMBER _____

MOTION: Bill - Mills Do Pass

| 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 | |

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 221 NUMBER _____

MOTION: Amendments - Ellis Do Pass

| 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 |

10 8

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO 221 NUMBER _____

MOTION: Amendments - Herron Do Pass

| 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 | |

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 221 NUMBER _____

MOTION: Bill - Herron Do Pass

| 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 |

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 021 NUMBER _____

MOTION: Harrington - Table

| NAME | AYE | NO |
|--|--------------|----|
| Rep. Alvin Ellis, Jr., Chairman | X | 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 | | |
| 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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HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 309 NUMBER _____

MOTION: Amendments - Mills Do Pass

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

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 309 NUMBER _____

MOTION: Bill - Keenan Do Pass

| NAME | AYE | NO |
|--|-----|----|
| Rep. Alvin Ellis, Jr., Chairman | | |
| Rep. Peggy Arnott, Vice Chairman, Majority | | |
| Rep. Vicki Cocchiarella, Vice Chairman, Minority | | X |
| Rep. Matt Denny | | |
| 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 | | X |
| Rep. Gay Ann Masolo | | |
| Rep. Norm Mills | | |
| Rep. Bill Rehbein | | |
| Rep. Sam Rose | | |
| Rep. Debbie Shea | | X |
| Rep. Dick Simpkins | | |
| Rep. Diana Wyatt | | X |

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 309 NUMBER _____

MOTION: Take off table - Rehbein

| 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 |

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 431 NUMBER _____

MOTION: Amendments

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

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 431 NUMBER _____

MOTION: Bill - Wyatt Do Pass

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

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. A37 NUMBER _____

MOTION: Hanson - Do Pass

| 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

6

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 2-15-95 BILL NO. 485 NUMBER _____

MOTION: Amendments - Rehbein Do Pass

| 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 2-15-95 BILL NO. 485 NUMBER _____

MOTION: Bill - Rose Do Pass

| 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 | | Y |
| 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 7-15-95 BILL NO. 57 NUMBER _____

MOTION: Table

| NAME | AYE | NO |
|--|-----|----|
| Rep. Alvin Ellis, Jr., Chairman | | X |
| Rep. Peggy Amott, 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 | |

13 5

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

Education Committee

DATE 7-15-95 BILL NO. 57 NUMBER _____

MOTION: Bill - Harrington Do Pass
Reconsider

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

EXHIBIT 1
DATE 2/15/95
HB 546

TESTIMONY OF R. STEPHEN WHITE
IN SUPPORT OF
HB 546

Mr. Chairman, Members of the House Education Committee, for the record my name is R. Stephen White. I reside near Bozeman in Gallatin County. And also for the record I am a member of the Governor's Education Advisory Council which is involved in the distribution of Federal Chapter 2 funds to school districts across the state.

I have great concern over the direction of our state's increased involvement in receiving federal funds for education. Already this legislative body has approved HB 167, which expels a student for an entire year for possessing a firearm in a school. Montana risks the loss of 50 million dollars by not passing this legislation.

Our state has applied for nearly \$500 thousand dollars just to prepare for the introduction of Goals 2000. As in other federal programs, DARE as an example, the initial intent seems good but once the federal government withdraws its financial support, the local community is left with an added tax burden.

Our education system in Montana needs to work without the intrusion and control from Washington DC, which precipitates once we begin receiving their money. In previous sessions the battle over highway regulations and federal highway money serves as a very real example.

As a member of the Governor's Chapter 2 Advisory Committee I have gained great insight as to the additional paperwork and red tape, as well as control, which results for the intrusion of our federal education money. The founders of our country knew long ago the danger of the federal control over areas of government designed for the states. Article 10 of the U.S. Constitution certainly supports the state's right for design and support for it's own educational system.

I ask that you support this important piece of legislation, in order to preserve the great existing public education system which Montana already has in place. Thank you.

EXHIBIT 2
DATE 2/15/95
HB 546

Testimony from: Amy Orser
P.O.Box 4332
Helena, Mt. 59601

Date: February 15, 1995

Mr. Chairman and distinguished committee members,

I am before you to testify as a proponent of HB 546. I am particularly concerned about the appearance of the federal Goals 2000 on the doorstep of Montana.

Many would have you believe that Goals 2000 is an educational program. But after a year of reading articles, books, surveys, studies and reports; after viewing videos and listening to tapes; and after visiting with the renowned psychologist, Dr. Colson, I have come to the conclusion that Goals 2000 is not about education. I do not consider my self to be an expert on this topic, but I do feel I am a bit more informed about our educational system than some.

Goals 2000 is about changing America. It is about controlling the way we think by exposing school children to unusual programs. Often, parents do not approve of these programs when they are aware of them.

Goals 2000 also permits the Sec. of Education to "waive requirements", such as laws, to promote Goals 2000 across America.

An alternative standard recently introduced to our state board of education suggests that "schools employing an approved performance based accreditation model may not be required to comply with other standards herein except those that are required by law."

Why is Goals 2000 so important to this nation that the laws and regulations of the land will be broken and stretched in order to get this program into the schools? I think we can do without Goals 2000. I think we had better do without Goals 2000.

WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS

I. The U.S. Secretary of Education May Waive Selected Statutory or Regulatory Requirements for a State Education Agency (SEA) or Local Education Agency (LEA) IF:

- Such requirements impede the ability of the SEA or the LEA to carry out the state or local improvement plan;
- The SEA has waived, or agrees to waive, similar requirements of state law.

II. Application Process

- An LEA submits the waiver request to the SEA.
- The SEA submits approved LEA applications to the U.S. Secretary of Education.
- The SEA submits a request for a statewide waiver to the U.S. Secretary of Education.

III. Duration

- Each waiver shall not exceed four years.
- The Secretary may extend the approval period.

IV. Waivers May Be Extended Under the Following Programs or Acts:

- ESEA Chapter 1;
- ESEA Chapter 2;
- The Dwight D. Eisenhower Mathematics and Science Education Act;
- The Emergency Immigrant Education Act of 1994;
- The Drug-Free Schools and Communities Act of 1986; and
- The Carl D. Perkins Vocational and Applied Technology Education Act.

V. Waivers May Not Be Authorized in Relation to the Following:

- Maintenance of effort;
- Comparability of services;
- Equitable participation of students and professional staff in private schools;
- Parental participation and involvement; and
- Distribution of funds to SEAs or to LEAs.

VI. The U.S. Secretary of Education May Terminate the Approved Waiver at Any Time

Montana Parents Commission

Mr. Chairman, members of the committee, thank you for allowing my testimony to be read on my behalf.

My name is Helena Lee. I am the coordinator for the Montana Parents Commission, a statewide organization of parents and individuals whose focus is educational issues on the state and federal level.

We rise in support of HB 546.

The Montana Parents Commission agrees that the responsibility for control of education is reserved to the State and local school systems of the State of Montana.

We believe that accepting financial assistance for education from the Federal Government would reduce...modify...and undercut State and local responsibility for control of education.

We believe acceptance of Federal financial assistance for education would increase the authority of the Federal Government over education in Montana through mandates attached to Federal dollars.

The Montana Parents Commission urges a DO PASS of HB 546.

Helena Lee

Helena Lee, Coordinator
Montana Parents Commission

Helena Parents Commission
Gallatin Co. Parents Commission
Missoula Parents Commission
Lewistown Parents Commission
Billings Parents Commission
Flathead Valley Parents Commission



and other individuals throughout MT.

EXHIBIT 4
DATE 2/15/95
HB 546

February 15, 1995
Testimony before the House Education Committee

Mr. Chair, Members of the Committee, I thank you for this opportunity to speak.

My name is Carol Paul, from Great Falls. I am the Education Chair of the Montana PTSA, a grassroots organization of almost 11,000 members statewide. We represent parents, teachers and students in our state. As a parent of four sons and as an active member of PTA in Great Falls, I accepted the privilege of serving on our state's Education Improvement Panel: **The Montana Plan**. We had our first meeting last week.

I am here to speak in support of legislation that helps children. I am delighted that the federal legislation #103-227, popularly known as **Goals 2000**, provides our state with the means to research the future of our schools in Montana. House Bill 546, which has as its sole intent the taking away of those funds, would deprive our state of the resources needed by our panel to set future goals.

The work of our panel—of 30 people who have volunteered their time and talents to work together for this worthwhile goal—will be over at the end of this year. Our plan for improving Montana's schools will be delivered at that time. Schools may adopt our plan as a blueprint for improving their schools. Schools may adopt our plan or not—for their use is optional. At the end of the year when our plan is ready to be presented, and the work of our panel is complete, our federal funds expire.

We in Montana want our children to start school ready to learn, we want to continue to have high graduation rates, we want our students to be the first in the world in science and mathematics and we want our schools to be a safe place for our children to learn. Participation in Goals 2000 insures that these concerns be kept at the forefront state-wide.

Goals 2000, the Educate America Act, is something that we have asked for. Governor Racicot supports this legislation and works as a member of our panel.

Goals 2000 was established by the governors of all 50 states under the guidance of President Bush.

Goals 2000 will incorporate the popular and important School-to-Work program.

We need a coordinated plan to improve education in our state and take it into the next century. Goals 2000 provides funds so that we, a wide cross-section of people in the state of Montana, can set our own goals to decide how we want our state to proceed.

I urge you not to support House Bill 546. I instead urge you to support the current legislation, which will provide us with a comprehensive and statewide plan for the future of education in Montana.

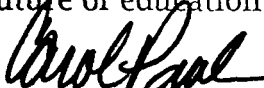

Carol Paul
1817 3rd Avenue North

EXHIBIT 5
DATE 2/15/95
HB 546

February 15, 1995

House Education Committee
Montana House of Representatives
Helena, Montana 59601

House Bill 546

I would like to take this opportunity to speak in opposition to House Bill 546.

I believe we as citizens in the State of Montana have the opportunity to make choices. Both my parents, myself and my daughter have been given exceptional educational opportunities in this state. Our choice is Montana. Education has always been a quality choice in our state.

I come to you today as a parent, a taxpayer, and an educator.

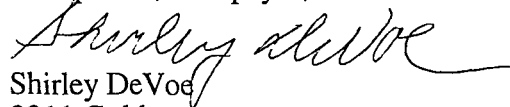
As a parent, my daughter has been given an education we in Montana can be very proud of. Jenny competed at national levels throughout high school and at MSU - often bringing back recognition to all of Montana. If she were here today, her words would re-echo what she shared with the 1991 Legislature as she was recognized by both the Montana House and Senate.

As a tax-payer and native Montanan. I am very proud of what we were offered, what we offered our children and what I hope to offer future grandchildren. We have chosen to support education.

As an educator, I see what education gives to young people. I have watched children read library material, share curriculum textbooks, investigate science projects and count forever -- all with materials that have been supported through federal funds. I see children coming to school with no food at home - eating breakfast and lunch supported by federal funds. I see children receiving extra teacher and volunteer help through Chapter I programs -supported by federal monies. I see parents attending classes, learning how to use computers with their children - supported by federal funds. I see teachers excited about their opportunities to experience programs that enhance their success with students - supported by federal funds. Students riding to school and activities, showing projects, science fairs, gifted and talented programs, safe schools, new facilities - supported in part by federal funds.

In Montana, we may not want to decrease the drop-out rate; we may not want to make sure every Montanan has the knowledge and skills to complete in a global world or participate as an informed citizen; we may not want to demonstrate a competency over challenging subject matter so we are prepared for further learning and productive employment; we may not want our children to learn in a school free of weapons and alcohol; we may not want to include parents as partners in education; or we may not want to have the best qualified teachers for our children. BUT... we have been given the opportunity as legislators, as students, as parents, as teachers, as administrators, as business people, as trustees, as instructors in higher education, and as citizens of Montana to create The Montana Plan: Making Good Schools Better. We are asked to do just that -Make Our Good Schools Better - not rubber stamp the national's goals. America Goals 2000 continues to give students in Montana that opportunity that we are so proud of.

As a parent, a taxpayer, and an educator, I urge your defeat of HB 546.



Shirley DeVoe
2211 Gold
Helena, Montana 59601

OFFICE OF THE GOVERNOR

STATE OF MONTANA

EXHIBIT 6
DATE 2/15/95
HB 546

MARC RACICOT
GOVERNOR



STATE CAPITOL
HELENA, MONTANA 59620-0801

February 15, 1995

Representative Alvin Ellis, Chair
House Education and Cultural Resources Committee
Montana House of Representatives
State Capitol
Helena MT 59620

Dear Representative Ellis and Members of the Committee:

Thank you for the opportunity to present my position with regard to House Bill 546, which is entitled "An Act Restricting State Participation in Certain Federal Educational Programs Unless Authorized By Statute; and Providing An Immediate Effective Date." I understand the bill is specifically designed in response to the Goals 2000 program.

I do not view Goals 2000 legislation as federal government intrusion. I view it as an opportunity for Montanans to evaluate our current education system - how we teach, what we teach, how we measure, who we teach, how much money we spend on teaching and learning, what are the results, and more. I view it as an opportunity to recognize those programs in our system that are working well. I see it as an opportunity to improve those programs that could work better. I see it as an opportunity for parents to be more involved in their children's education. I see it as an opportunity to make our schools better.

The need for education reform was first recognized by our nation's Governors during the historic Education Summit in Charlottesville, Virginia, in 1989. It was then adopted first by President Bush, under the program title "America 2000", and later by President Clinton, under the program title "Goals 2000". Because its origins were local, that is inspired by state leaders rather than national leaders, the legislation stressed the importance of local control, development, responsibility and authority.

The Goals 2000 program is the antithesis of a federal mandate. The program provides a limited amount of federal money for local school districts, if they choose, to develop improvement programs based on local goals and guidelines. The program is optional so that state and local education agencies are not required to participate.

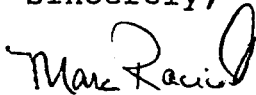
Rep. Alvin Ellis
Page 2
February 15, 1995

I have received numerous letters which express concern about federal intrusion into our education system. I have learned and studied about the experience of education reform programs in other states. I have carefully scrutinized the cautions that have been placed before me by many good Montanans regarding values based learning and outcome based education. I know that Montanans will not stand to have our most precious resource - our children - subject to the erosion of our long held values. I know that Montanans will not tolerate the compromise of our nationally renowned work ethic. I know that Montanans will not allow the parcelling off of our strong commitment to our family, our neighbors, our environment, and our spiritual beliefs. I recognize that Montanans want to help our children hold strong to our legacy of basic values and a solid work ethic. I also recognize that Montanans want to prepare our children to work and contribute and survive and thrive in their communities and in global community of the 21st Century.

I regret that it has become necessary to introduce legislation designed to dismiss well-intended efforts. I much prefer an opportunity to discuss apparent differences than to legislate them.

Thank you for the opportunity to place my comments before your committee.

Sincerely,



MARC RACICOT
Governor

EXHIBIT 7
DATE 2/15/95
HB 374

It's Easy To Join



UTAH RETIRED SCHOOL EMPLOYEES' ASSOCIATION (URSEA)

Membership year Sept. 1 to Aug. 31

Name _____

Address _____

_____ Zip _____

New Renewal

Complete form and send to: Mary Coulter,
855 36th Street, Ogden, Utah 84403.
Phone: 392-2331

Dues:
50 cents per month
deducted from retirement
check.

Requires signed
authorization below)

\$6.00 per year, paid by check

AUTHORIZATION TO WITHHOLD MEMBERSHIP DUES

I hereby authorize the Utah State Retirement Office to deduct 50 cents per month from my monthly retirement allotment for payment of membership dues to the Utah Retired School Employees' Association (URSEA).

Signed _____

Address _____

_____ Zip _____

Social Security No. _____

Mail to:
Utah State Retirement Office
540 East Second South
Salt Lake City, Utah 84102

URSEA BULLETIN
RITA HOWELLS, EDITOR
6951 So. 3000 East
Salt Lake City, Ut. 84121

BULK RATE
U.S. Postage
PAID
Permit No. 1795
S.L.C., Utah

GLADYS PETERSON
PRES. MONTANA RTA
301 PATTEE CANYON
MISSOULA, MT 59803

EXHIBIT 8
DATE 2/15/95
HB 374

HOUSE OF REPRESENTATIVES

Education COMMITTEE

WITNESS STATEMENT

PLEASE PRINT

NAME Harry Burlingame ^{HB}~~BUDGET~~ 374

ADDRESS 275 Menver No. 201 DATE 02/15/95

WHOM DO YOU REPRESENT? West. MT Retired Teachers + School Personnel

SUPPORT OPPOSE AMEND

COMMENTS: Our older members, who served many years after retiring in programs promoting educational interests for all generations, now find it difficult to keep functioning as active members.

They want to continue support of these efforts. Automatic deduction of their annual dues in our state association would help them in their efforts to support educational interests for our generation and future generations.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education

COMMITTEE

DATE 2-15-94 ~~95~~

BILL NO. HB 574

SPONSOR(S) Rep. Harper

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | Support | Oppose |
|---------------------------------|--|---------|--------------|
| NATALIE FITZPATRICK AWACONDA | MONTANA RETIRED TEACHERS + SCHOOL PERSONNEL ASSOCIATION | ✓ | |
| GLADYS M. PETERSON MISSOULA | MONTANA RETIRED TEACHERS + SCHOOL PERSONNEL ASSN. | ✓ | |
| Larry Burlingame Missoula | West. MT Retired Teachers + School Personnel Association | ✓ | |
| Alice Thomas Helena | MT Retired Teachers + School Personnel Assoc. | ✓ | |
| P | | | |
| Verna Erickson | HARRE Public School | | ✓ |
| Don Jones | self | | ✓ |
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education

COMMITTEE

DATE 2-15-95

BILL NO. HBS116 SPONSOR(S) Rep. Cobb

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | Support | Oppo |
|------------------|--------------|---------|------|
| Gail Gray | OPT | | ✓ |
| Larry Fashender | AJP | | ✓ |
| John Fagan | SAM | | ✓ |
| Jack Cooper | OPT | | ✓ |
| RICHARD CROFTS | DCH E | | ✓ |
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PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FOR ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

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HOUSE OF REPRESENTATIVES
VISITORS REGISTER

Education COMMITTEE DATE 2-15-95

BILL NO. HB546 SPONSOR(S) Rep. Smith

PLEASE PRINT PLEASE PRINT PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | Support | Oppose |
|------------------------------------|-------------------------|---------|--------|
| Juan Schmitt Fairfield MT 59436 | local school boards | | ✓ |
| Jim Hellenback Wayne Buchanan | SAK BPE | | ✓ |
| Shirley DeVoe | Helena Schools | | ✓ |
| Lisa Vangly | Harve Public School | | ✓ |
| Pat Haffey | Governor's Office | | ✓ |
| Fred Hoppel | MT. Fox Better Govt. | ✓ | |
| Egy Horvath | Self | ✓ | |
| Christ Paul | Montana PTSA | | ✓ |
| Becky Hoekten | self | ✓ | |
| Barbara Ridgway | Helena | | ✓ |
| Noame Eriem | HARVE Public Schools | | ✓ |
| Terry Lankutis | Private Sector | | ✓ |
| Self | | | ✓ |

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

HR:1993 Jarun MATAe M.F.T. ✓
 wp:visbcom.man
 CS-14
Larry Daskewitz GJP ✓
Yvon Frigie SAM
Robert Windel HPS
Jack Coyne OPZ
 1 D.L. ✓
 P. (Col. of MT) ✓