

## **MINUTES**

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

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

**Call to Order:** By **CHAIRMAN ALVIN ELLIS, JR.**, on January 11, 1995, at 3:00 PM

#### **ROLL CALL**

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

Rep. Alvin A. Ellis, Jr., Chairman (R)  
Rep. Peggy Arnott, Vice Chairman (Majority) (R)  
Rep. Vicki Cocchiarella, Vice Chairman (Minority) (D)  
Rep. Matt Denny (R)  
Rep. H.S. "Sonny" Hanson (R)  
Rep. 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. Diana E. Wyatt (D)

**Members Excused:** Rep. Dick Simpkins

**Members Absent:** Rep. Dan Harrington

**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:**

Hearing: HB 110, HB 99, HB 77  
Executive Action: HB 44

#### **HEARING ON HB 110**

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

**REP. MARGE FISHER** said this bill changes the way that special education expenses are paid for after a due process hearing. What initiated this bill was an article in the newspaper, about the Kalispell school district's expense of \$78,000 per year for out-of-district education for a special needs student.

**Proponents' Testimony:**

**Don Waldron, Montana Rural Education Association** said he supports HB 110. He believes that the expense should be paid for out of an appropriation to the Office of Public Instruction (OPI) and not out of the district.

**Vern Beffert, Superintendent of Schools, Livingston, Montana** said that he thinks the bill would be a kind of insurance policy for their district, in that, if necessary, they would lose a little bit of state money for ANB for special education that is reserved to pay for out-of-district placement. If they did end up with a student in that position, they would not have to try to find as much as 10% of its budget for a single student.

**Opponents' Testimony:**

**Robert Runkel, Director of Special Education in the Office of Public Instruction** is opposed to the bill because of the high cost. A few reasons for the opposition are that it appears that the bill is inconsistent with the direction that the state has taken in using state dollars to provide services for children within our Montana communities rather than out of state. This bill addresses a problem that is at low frequency. There have only been a few circumstances where a child has been placed in a out- of-state facility by a due process hearing officer. All schools try to maintain a positive working relationship with the parents and they don't want anything in the system to create an incentive to pursue a hearing. The OPI, in order to fund this would require a reduction in the distribution of funds to all public school district's. If OPI has to pay all costs, there is no incentive to bring the student home, because upon return the schools districts costs are not all covered. There is concern that if the bill passes, what exactly the OPI will be required to pay.

**Informational Testimony:**

Informational Testimony includes Exhibit # 1

**Questions From Committee Members and Responses:**

**REP. MATT DENNY** asked **Mr. Runkel** if in some cases OPI is already required to pay out-of-state costs, if the child is abused or neglected. **Mr. Runkel** said the answer is yes, because those actions are by state agencies. This bill does not require the OPI to pay for all out-of-state placements made by public schools. It only applies to hearing officer decisions.

**REP. JOAN HURDLE** asked **Mr. Runkel** if Montana is responsible for paying for the placement of a child in an expensive out of state placement. **Mr. Runkel** said that if a state makes the placement the state will pay the costs. The placement of a child depends on the needs of the child. If the placement cannot be agreed

upon between the parent and the school, then a hearing officer is called in independently to decide. The bill is deciding whether or not the decision of that officer is covered by the state.

**REP. SAM ROSE** asked **Mr. Runkel** what built-in protection there is against the issues that **REP. FISHER** talked about. **Mr. Runkel** said that the decision of the placement is done locally. It is a rare circumstance that a third party has to come in and make the placement.

**REP. VICKI COCCHIARELLA** asked **Mr. Runkel** if the point he was trying to make, is that if the child was sent out of state and then came back, there would be less funding. **Mr. Runkel** told her that was right, the more that is paid for out of state, the less money that is available to serve the children in state. **REP. COCCHIARELLA** asked **REP. FISHER** if a fiscal note is required on this bill. **REP. FISHER** said she requested not to have a fiscal note.

**CHAIRMAN ELLIS** stated that special education is a program set up by the federal government that is dictated to the states without a great deal of funding. **REP. FISHER** said she does not have the answer to that question. **CHAIRMAN ELLIS** asked **Mr. Runkel** how far the \$8 million federal dollars goes in this state for special education. **Mr. Runkel** said that the total expenditures for special education in FY 1994 was \$47 million in state and local funds. Federal funds added another \$8 million. **CHAIRMAN ELLIS** asked **REP. FISHER** how far she thinks the state should go to protect the electorate from the effects of the mandate of the federal program. **REP. FISHER** said that all the money is coming out of the taxpayers' pockets anyway.

**REP. HURDLE** asked **Mr. Runkel** if he could make a comparison between the cost of education in-state and the cost of out-of-state. **Mr. Runkel** said that the cost of in state is \$2,600 per year, the cost of out-of-state is around a low of \$40,000 per year and a high of \$250,000.

**REP. PEGGY ARNOTT** asked **Mr. Runkel** if it was correct that the children were to be put in the least restrictive environment, and could not be held there legally if they did not belong. **Mr. Runkel** said that was correct. The children were only sent out of state if that was the best environment for them, but it is important that the state of Montana to keep the incentive to build the programs within Montana to serve the kids.

**Closing by Sponsor:**

**REP. FISHER** said as far as the local school districts having control, when it goes into the hearing, the local school district is powerless. She agreed that it is of low frequency and the school can never know when a child is going to move into the district and a decision made that it is not the right area for that child. As far as any disagreement between the parents and the school district, there already is a disagreement, if the

parents and the school solved the problem there wouldn't be a hearing to begin with. There is incentive to bring a child home, and as soon as the child does not need the school then the only thing for them to do is come home. There is no confusion to what OPI has to pay, they would pay the bill the same way the school district pays the bill now. **REP. FISHER** feels that this could be a real problem for the schools.

#### HEARING ON HB 99

##### Opening Statement by Sponsor:

**REP. DANIEL FUCHS** said the bill is an act revising the definition of a displaced homemaker. (**Exhibit #1a**)  
The bill changes the definition to match the federal definition in the Carl Perkins Act.

##### Proponents' Testimony:

**Maureen Cleary-Schwinden, Women Involved in Farm Economics** said that they agree with the bill. This bill would protect the women who have dedicated their lives to supporting their family and that are forced to go out in the workplace.

**Sheila Hogan, Executive Director for Career Training Institute, Vice Chair for Displaced Homemaker Network** said the program operates as a deterrent for women on the borderline of becoming a welfare recipient. Through the program they are able to access training which allows them to enter the workforce at a higher level.

**Kate Cholewa, Montana Women's Lobby** said they support the bill because it helps keep women off of welfare. It streamlines administration and allows greater access to other funds.

##### Opponents' Testimony: None

##### Informational Testimony: None

##### Questions From Committee Members and Responses:

**REP. ARNOTT** questioned **REP. FUCHS** about line 29 stating that a displaced homemaker has to be a criminal offender. **Ingrid Danielson, State Job Training Bureau in Department of Labor and Industry** said that one of the persons who could be defined as a displaced homemaker is an offender. **REP. ARNOTT** asked why the law is changing its focus on a person that is a parent. **Mrs. Danielson** said that it is someone who has had support from some other source and no longer has that support.

**CHAIRMAN ELLIS** asked if each qualification is separate from the other. **Mrs. Danielson** said yes they are all different categories of persons that may be covered by the act.

**REP. HURDLE** asked **Mrs. Danielson** if the change in the definition would allow training under the Carl Perkins Act and the training will help the displaced homemaker to avoid or no longer need public assistance. **Mrs. Danielson** said that the bill will allow them to co-enroll in both the state program and the federal program under Carl Perkins.

**REP. ARNOTT** asked **Mrs. Daniels** under what three definitions does a displaced homemaker currently qualify. **Mrs. Danielson** said under the Job Training Partnership Act, under the Carl Perkins Act, and under the state program.

**REP. NORM MILLS** asked **Mrs. Danielson** if a family member died today if they could apply for this help the next day. **Mrs. Danielson** said that there is a screening process before they can get into the program.

**REP. BILL REHBEIN** asked **Mrs. Danielson** if the bill passes, will it allow better use of federal funds and less expenditures of state funds. **Mrs. Danielson** said that it will give the operators better flexibility to co-enroll with other programs that exist.

**REP. REHBEIN** asked her also if this would cause the state to match more money. **Mrs. Danielson** said that as a state-funded program they are able to match more money, and will access more resources in the state of Montana.

**REP. MILLS** asked **Mrs. Danielson** how much money the state would have to put up in addition to current funding. If there is a request for more money, how much more than the fiscal note. **Mrs. Danielson** answered that there were varying match rates. There is no fiscal impact on the program by changing the definition.

**REP. COCCHIARELLA** asked **Mrs. Danielson** if this bill frees up some of the administrative money that could be used for the program assisting people. **Mrs. Danielson** said the state program is funded through the unemployment insurance tax.

**Closing by Sponsor:**

**REP. FUCHS** said the bill was designed to help the women into the workforce, and to keep them off welfare. He asked that the committee pass the bill.

**HEARING ON HB 77**

**Opening Statement by Sponsor:**

**REP. COCCHIARELLA** said all the bill says is that a school district cannot charge a homeless child tuition.

Proponents' Testimony:

Don Waldron, Montana Rural Education Association said that the important part of the bill is that we need to be taking care of the homeless children who need education.

Opponents' Testimony: None

Informational Testimony: None

Questions From Committee Members and Responses:

REP. DENNY asked REP. COCCHIARELLA where the source of data came from. She said it came from the Office of Public Instruction. REP. DENNY asked how a homeless child was defined. REP. COCCHIARELLA said it is someone that does not have a permanent place to stay at night.

CHAIRMAN ELLIS asked why a foster child might be considered homeless. Gayle Gray, Office of Public Instruction answered the question by saying that it only referred to the children that were in a temporary or immediate foster care situation and the placement was a result of family problems related to the homelessness.

Closing by Sponsor:

REP. COCCHIARELLA said that she hopes the trend of homelessness will not continue.

EXECUTIVE ACTION ON HB 44

Motion/Vote: REP. ROSE MOVED HB 44 DO PASS. Motion carried unanimously.

HOUSE EDUCATION & CULTURAL RESOURCES COMMITTEE

January 11, 1995

Page 7 of 7

ADJOURNMENT

Adjournment: 4:15 pm

  
ALVIN ELLIS JR., Chairman

  
RENAE DECREVEL, Secretary

AEJ/red

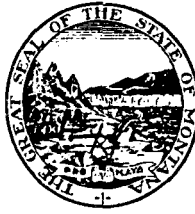
# HOUSE OF REPRESENTATIVES

## Education

ROLL CALL

DATE 1-11-95

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	<del>X</del>	
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	<del>X</del>	
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

January 13, 1995

Page 1 of 1

Mr. Speaker: We, the committee on Education and Cultural Resources report that **House Bill 44** (first reading copy -- white) do pass.

Signed:   
Alvin Ellis, Jr., Chair

Committee Vote:  
Yes 18, No 0.

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# HOUSE OF REPRESENTATIVES

## ROLL CALL VOTE

### Education Committee

DATE 1-11-95 BILL NO. 44 NUMBER \_\_\_\_\_

MOTION: Rep. Rose - 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		

EXHIBIT

#1

DATE

1-11-95

B

HB

## FACSIMILE TRANSMITTAL COVER PAGE

TO: ~~House Educ. Committee~~ FAX # 1-900-225-1600FROM: Tim Miller FAX # 777-2495DATE: 1/11/95PAGES (including this page): 2

If this FAX transmission is not being received properly or is not readable, please call 777-2494.

MESSAGE: Please deliver ASAP to

Members of the House Education Committee  
in room 312-2 from :00 - 10:00 a.m.  
today. or ask Gail Cleveland to  
read if there is time. (Gail is in  
attendance).

## BITTERROOT VALLEY COOPERATIVE

Darby School District #9  
Florence-Carlton School District #15-16  
Hamilton School District #3  
Lone Rock School District #13  
Stevensville School District #2  
Victor School District #7

P.O. Box 687, 300 Park Street  
Stevensville, Montana 59870  
Phone: (406) 777-2494  
Fax: (406) 777-2495

Tim Miller,  
Director

Kathy McFadgen,  
Clerk

January 11, 1995

RE: Special Education Funding Request

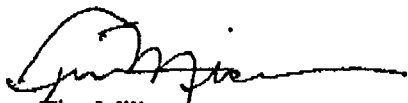
Members of the House Education Committee:

I am sorry that I could not attend the January 11, 1995 hearing on Special Education Funding. Please consider my thoughts written here. As you know, the legislature has cut funding for education and frozen special education funding for many years. Because of this we have been unable to properly staff for the increasing number of students in special education in Western Montana. One result of this is that we now have a formal complaint filed with the Office of Public Instruction against a Ravalli County school district. The complainants allege their child receives insufficient special education services.

As long as the funding level is cut, I anticipate additional conflict leading to complaints, due process proceedings, and lawsuits.

As the number of our students who receive special education services in Ravalli County increases each year, so does the cost of our fixed expenses, staff salaries and classroom materials. The additional \$9 million proposed appropriation is the minimum required to provide an appropriate level of services and prevent further legal action against the schools.

Sincerely,



Tim Miller

(13) The term "disadvantaged" means individuals (other than individuals with handicaps) who have economic or social disadvantages and who require special services and assistance in order to enable such individuals to succeed in vocational education programs. Such term includes individuals who are members of economically disadvantaged families, migrants, individuals of limited English proficiency and individuals who are dropouts from, or who are identified as potential dropouts from, secondary school.

(14) The term "displaced homemaker" means an individual who—

(A) is an adult; and

(B)(i) has worked as an adult primarily without remuneration to care for the home and family, and for that reason has diminished marketable skills;

(ii) has been dependent on public assistance or on the income of a relative but is no longer supported by such income;

(iii) is a parent whose youngest dependent child will become ineligible to receive assistance under the program for aid to families with dependent children under part A of title IV of the Social Security Act within 2 years of the parent's application for assistance under this Act; or

(iv) is unemployed or underemployed and is experiencing difficulty in obtaining any employment or suitable employment, as appropriate, or

(C) is described in subparagraph (A) or (B) and is a criminal offender.

The Secretary may not prescribe the manner in which the States will comply with the application of the definition contained in this paragraph.

(15) The term "economically disadvantaged family or individual" means such families or individuals who are determined by the Secretary to be low-income according to the latest available data from the Department of Commerce.

(16) Except as otherwise provided, the term "eligible recipient" means a local educational agency, an area vocational education school, an intermediate educational agency, a post-secondary educational institution, a State corrections educational agency, or an eligible institution (as such term is defined in section 232(d)(1)).

(17) The term "general occupational skills" means experience in and understanding of all aspects of the industry the student is preparing to enter, including planning, management, finances, technical and production skills, underlying principles of technology, labor and community issues, and health, safety, and environmental issues.

(18) The term "high technology" means state-of-the-art computer, microelectronic, hydraulic, pneumatic, laser, nuclear, chemical, telecommunication, and other technologies being used to enhance productivity in manufacturing, communication, transportation, agriculture, mining, energy, commercial, and similar economic activity, and to improve the provision of health care.

## Carl D. Perkins Vocational Education Act<sup>1</sup>

AN ACT To strengthen and improve the quality of vocational education and to expand the vocational education opportunities in the Nation, to extend for three years the National Defense Education Act of 1958 and Public Laws 815 and 57, Eighty-first Congress (federally affected areas), and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Carl D. Perkins Vocational and Applied Technology Education Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

(20 U.S.C. 2301, note)

### TABLE OF CONTENTS

Sec. 1. Short title; table of contents.

Sec. 2. Statement of purpose.

Sec. 3. Authorization of appropriations.

<sup>1</sup> The Carl D. Perkins Vocational Education Act was originally enacted as the Vocational Education Act of 1963 by Public Law 88-210. The Act was reenacted with the current title by Public Law 98-524. Sections 2, 3, and 6 of P.L. 98-524 contained the following effective date, transition, and policy provisions:

#### EFFECTIVE DATE

SEC. 2. (a) This Act shall take effect for fiscal years beginning on or after October 1, 1984, except that the authority of the Secretary to prescribe regulations under this Act and the responsibility of States to submit State plans are effective upon the date of enactment of this Act.

(b) Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe regulations for carrying out the provisions of this Act.

#### TRANSITION PROVISIONS

SEC. 3. (a) Each State and eligible recipient of financial assistance under the Carl D. Perkins Vocational Education Act, or under the Vocational Education Act of 1963, may expend funds received under the Carl D. Perkins Vocational Education Act or under the Vocational Education Act of 1963 to—

(1) conduct planning for any program or activity authorized under the Carl D. Perkins Vocational Education Act; and

(2) conduct any other activity deemed necessary by the recipient to provide for an orderly transition to the operation of programs under the Carl D. Perkins Vocational Education Act.

(b)(1) On the effective date of the Carl D. Perkins Vocational Education Act, the personnel, property, and records of the National Occupational Information Coordinating Committee established under section 161(b) of the Vocational Education Act of 1963 shall be transferred to the National Occupational Information Coordinating Committee established pursuant to section 422 of this Act.

(2) On the effective date of this Act, the personnel, property, and records of the National Advisory Council on Vocational Education shall be transferred to the National Council on Vocational Education established under section 431 of this Act.

#### VOCATIONAL EDUCATION POLICY

SEC. 6. It is the sense of the Congress that effective vocational education programs are essential to our future as a free and democratic society; that such programs are best administered by local communities, and community colleges school boards, where the primacy of parental control can be emphasized with a minimum of Federal interference; and that as a means to strengthening vocational education and training programs, nongovernmental alternatives promoting links between public school needs and private sector sources of support should be encouraged and implemented.

# DATA COMPARISON

## PREVIOUS VERSUS THE CURRENT YEAR

### MONTANA

<u>HOMELESS CATEGORIES</u>	<u>1993</u>	<u>1991</u>	<u>1989</u>	<u>1988</u>
A. Living on the street	29	23	15	40
B. Semi-sheltered (car, camper, bus, cave, etc.)	52	57	30	39
C. Public or Private Shelter	741	626	536	334
D. Relatives & Friends	687	675	637	535
E. Foster Care Facilities (short term)	329	338	419	610
F. Runaway Youth	80	76	-0-	-0-
G. Other	110	128	115	126
Total	2028	1923	1752	1684

There is no explanation for the increase in category A. and B. We are receiving more reports than ever before on youth who are living together outside and in make-shift shelters. Category C. is up mostly due to the establishment of seven, new, large, family shelters in Montana in the last two years. It is reported in the larger cities that more families are doubling up to share cost and to have a place to stay. Three cities in Montana have a shortage of any kind of rental units. Foster Care Facilities are showing fewer numbers due to the addition of a new category for runaway youth.

### GRADE LEVEL

Elementary	604	549	480	568
Jr. High School	428	408	382	286
High School	996	966	890	830
Total	2028	1923	1752	1684

### STUDENTS ATTENDING SCHOOL

	<u>1993</u>	<u>1991</u>	<u>1989</u>	<u>1988</u>
Yes	1839	1710	1384	1394
No	189	162	259	211
Total	2028	1872	1643	1605

The above total does not equal the total of all students reported. Some survey respondents will not report the race, sex and school status. Some respondents do not have the information and others do not feel they should report it.

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Education COMMITTEE DATE 1 11 95  
BILL NO. 110 SPONSOR(S) Rep Fisher

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Don Waldron	MREA	✓	
Verne Beffert	Park County Cooperative S.A.M.	✓	
Ingrid Danielson	Labor Industry		
Loran Fagan	S.A.M.	✓	
Robert Ruckel	OPE		✓
Michael H. Leedy	MSBA		

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

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CS-14

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Education COMMITTEE DATE 1-11-95  
BILL NO. 99 SPONSOR(S) Rep. Fuchs

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Ingrid Danielson	Labor & Industry		
Jim Kennedy	Dept of Labor & Industry		
Sheila Hogan	Career Training Institute	X	
Connie Koop	Career Training	X	
Gasyna Harrington	Career Training	X	
Kate Cholewa	MT. Women's Cobby	X	
Maureen Cleary-Schwinden	W.I.F.E	X	
William F. Fuchs	MSBA		

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CS-14

HOUSE OF REPRESENTATIVES  
VISITORS REGISTER

Education COMMITTEE DATE 1-11-95  
BILL NO. 77 SPONSOR(S) Rep. Cocchiarella

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NAME AND ADDRESS	REPRESENTING	Support	Oppose
Don Waldron	MREA	✓	
Michael H. Keady	MSBA		

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