

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON EDUCATION

Call to Order: By **CHAIRMAN DARYL TOEWS**, on January 13, 1995, at 1:02 p.m.

ROLL CALL

Members Present:

Sen. Daryl Toews, Chairman (R)
Sen. John R. Hertel, Vice Chairman (R)
Sen. C.A. Casey Emerson (R)
Sen. Delwyn Gage (R)
Sen. Loren Jenkins (R)
Sen. Kenneth "Ken" Mesaros (R)
Sen. Steve Doherty (D)
Sen. Gary Forrester (D)
Sen. Barry "Spook" Stang (D)
Sen. Mignon Waterman (D)

Members Excused: N/A

Members Absent: N/A

Staff Present: Eddye McClure, Legislative Council
Janice Soft, Committee Secretary

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

Committee Business Summary:

Hearing: SB 76, SB 79
Executive Action:

HEARING ON SB 76

Opening Statement by Sponsor:

SEN. CHARLES "CHUCK" SWYSGOOD, SD 17, distributed a sheet showing the expenditures of the Postsecondary Education Policy and Budget Committee. **EXHIBIT 1**

He stated that this bill, at the request of the Postsecondary Education on Policy and Budget, is simply making permanent the

Joint Committee on Postsecondary Education and Budget. He further stated that this is a statutory committee, but every two years the joint committee has to come before the Senate Education Committee to become reinstated. The joint committee has been in existence for four years and it is time to decide to make this committee permanent and let the budget be addressed through the Legislative Fiscal Analyst's Office who staffs this joint committee.

SEN. SWYSGOOD related that this joint committee was established by the 1991 legislative session and at that time \$60,000 was appropriated. During that biennium the joint committee spent \$9,060 and reverted the remainder of the money to the general fund. He said that the average expenditure for six to eight meetings was approximately \$15,000; so far this biennium \$10,000 has been spent.

He further explained that this committee is unique in that its makeup is not entirely legislators, but also includes members of the Board of Regents, a representative from the Governor's Office and a student representative.

SEN. SWYSGOOD remarked that when the joint committee was first formed, it was difficult to determine the direction of the committee; however, the operation went smoother this biennium because of good communication between the legislature and the Board of Regents concerning issues that were coming up -- Board of Regents direction involving tuition, reorganization, cost of education, etc. He felt that this committee has been very valuable in coordinating the concerns of the legislature vs. higher education.

Proponents' Testimony:

SEN. JUDY JACOBSON, SD 18, added to **SEN. SWYSGOOD'S** comments by saying that all of the different groups which made up the committee felt that it should be made permanent. She added that there are currently big changes happening in the university system and it's important that legislators, regents and students come together in the Governor's office to talk about these changes so that all have a stake in the process. She further commented that other states are looking to Montana to try to establish committees which were begun four years ago. **SEN. JACOBSON** commended the committee for functioning and cooperating with each other so well. She urged the Education Committee to make this joint committee permanent.

Jeff Baker, Commissioner of Higher Education and representing the Commissioner's Office and The Board of Regents, declared that this joint committee was vital, explaining that it allowed the involved parties to talk through difficult issues. He expressed appreciation for the way the committee challenged in order to get feedback and for the input the committee had.

Opponents' Testimony: None.

Informational Testimony: None.

Questions From Committee Members and Responses:

SEN. GARY FORRESTER asked SEN. SWYSGOOD that in order to for the legislators to become familiar with what the Regents are doing, how often did the makeup of the committee change? SEN. SWYSGOOD responded by saying that the committee members changed every session. SEN. SWYSGOOD then went on to say that SEN. JACOBSON had served on every interim committee [before this joint committee was formed, the legislature would appoint an interim committee on higher education every biennium] since 1981, and he had served on every one since 1987, making them the only two members who were reappointed to the committee. Everyone else on the committee is new each biennium. He also informed the Education Committee that the reason for permanency for SB 76 was so that this would not have to be dealt with at each legislative session.

SEN. FORRESTER then asked SEN. SWYSGOOD if this joint committee had an automatic turnover system or are the legislators appointed more permanently? SEN. SWYSGOOD responded by saying that if a legislator were interested in serving on this committee, the appointment could very well be of a more permanent fashion.

SEN. KEN MESAROS asked SEN. SWYSGOOD how this committee would be impacted if some of the proposed restructuring within the educational community would pass? SEN. SWYSGOOD answered by saying that if the executive proposals ultimately became law, the Board of Regents would no longer be in existence, but that is probably the only part of the bill that would be affected.

SEN. MESAROS also wondered about the permanent status of the committee. SEN. SWYSGOOD answered by saying that he had not seen the reorganizational bill nor the implementation framework but he didn't think that the major changes would occur in this biennium, so concerns and questions could still be addressed in the next legislative session.

SEN. CASEY EMERSON too had a question for SEN. SWYSGOOD: When will the report of this committee be out? SEN. SWYSGOOD answered by saying that it was to be presented to the legislature sometime during this session. SEN. JACOBSON added comment by saying that she and REP. ROYAL JOHNSON each had a copy of the draft report and are reviewing it to see if there are any necessary changes. The goal is to have it out sometime next week (week of January 16, 1995).

SEN. MIGNON WATERMAN commented that it may be a bit premature to make this committee permanent because in the restructuring ideas it seems that a unified effort is being made in the K-12 and higher education. If that proposal goes forward, then this joint

committee should be reflecting the same idea. She suggested that this committee continue as is for the next two years or hold this bill for awhile to see what happens to the reorganization bill.

SEN. SWYSGOOD answered by saying that the Education Committee can choose to do what it wants but the joint committee feels that it is a waste of time to keep coming back for authorization each legislative session rather than putting it permanently in place. He also commented that he had no idea how the executive-ordered reorganization idea was progressing so the Education Committee had several options of dealing with it: (1) Hold **SB 76** for awhile; (2) Sunset **SB 76**; (3) Pass **SB 76**. He felt that any present reorganization would be able to be changed in the next legislative session to address those areas of the committee that might be reorganized.

SEN. DELWYN GAGE asked **SEN. SWYSGOOD** if June '90, 1995, was the sunset date and if that be the case, there would be no budget submitted for the 1995-96 fiscal year. **SEN. SWYSGOOD** answered in the affirmative, adding that the staff for this is the legislative fiscal analyst. **SEN. GAGE** questioned the source of the funding and **SEN. SWYSGOOD** replied that it was either appropriation cat and dog or the LFA would add the necessary money to the budget. **SEN. SWYSGOOD** continued by saying that he thought that \$15,000 would be an adequate budget, noting that to date in the 1993 biennium only \$10,000 had been spent.

SEN. WATERMAN asked for clarification on **SB 378, EARMARKED REVENUE REVIEW**. **SEN. SWYSGOOD** replied that the Finance Committee did an interim study on earmarked funds and **SB 378** will show statutory appropriations and earmarked revenue in another bill this session. **SEN. WATERMAN** also inquired whether a fiscal note would be attached. **SEN. TOEWS** answered that one had been requested.

Closing by Sponsor:

SEN. SWYSGOOD thanked the Education Committee for a good hearing and said that the joint committee had been a catalyst between the legislature and higher education in areas of conflict. He said that he would like to see the committee continue because it does a good job and the forthcoming report will support that.

HEARING ON SB 79

Opening Statement by Sponsor:

SEN. BOB BROWN, SD 40, opened by saying that appearing before the Education Committee was a nostalgic homecoming because he had been a part of the Committee for about 20 years. **SB 79** is the result of deliberations of the Governor's Task Force to Renew Government as well as deliberations which have taken place in the last couple of years in the Montana School Boards Association

(MSBA). It is a sort of amalgam of the recommendations of the two groups but it is not a new idea. **SB 79** does: (1) Require that beginning with the 1997 Trustee Election and at 7-year intervals thereafter, elections be held to give high school and elementary districts the opportunity to unify or consolidate with each other; (2) Require that school districts report their educational performance indicators so that school districts who are considering unification or consolidation know the kind of district with whom they are uniting; (3) Require the Board of Public Education to adopt rules regarding the content of the performance reports.

Because of the rulemaking authority, this bill contains a statement of intent. **SEN. BROWN** pointed out that the bill was drafted in a straightforward manner. The vote on consolidation that is to occur every seven years is in NEW SECTION 1 & 2, and NEW SECTIONS 4 & 5 relate to election and have been amended. SECTION 3 amends the existing law to give the Board of Public Education the authority to adopt rules on the performance indicator. **SEN. BROWN** again stressed the fact that this bill gives the local people opportunity rather than requirement to consolidate, i.e. the decision is left to those who will be directly affected by the decision they make

Proponents' Testimony:

Bob Anderson, Montana School Boards Association (MSBA), read his written testimony. **EXHIBIT 2**

Pat Haffey, Senior Policy Advisor for Education for the Governor's Office, attested that **SB 79** was the recommendation of the Governor's Task Force and adopted by his office. She said that the Governor's Office supported the bill as it offered local authority, responsibility and control. The reporting process is good because it allows the voters to be informed. Also, should unification or annexation occur, **SB 79** allows for the efficiency of shared resources and varieties of programs.

Wayne Buchanan, State Board of Public Education, offered the next supportive testimony, as he reviewed the technical aspects of **SB 79**. He went on to say that **SEN. BROWN** had already pointed out that the Board would be required to adopt rules regarding the school district performance indicators that the trustees of a district are required to report to the public.

Mr. Buchanan said that on January 26, 1995, the Board will hear an addition to its rules: "A school or school district may submit a plan to employ a performance-based accreditation model to the Office of Public Instruction. A school or school district granted approval for a performance-based accreditation model shall be subject to an onsite accreditation review at the end of an initial three-year period by a team of individuals selected by OPI." If the Board decides to adopt this, it will be necessary for the Board to establish a list of performance indicators which school districts will be expected to use if they wish to employ

this portion of alternative standards to the rules. Those performance indicators as adopted would fit very well into **SB 79**.

Don Waldron, Montana Rural Education Association (MREA), asked for support for **SB 79** because local control is upheld. He also remarked that **SB 79** is a possible consolidation or deconsolidation bill, i.e. this bill would force districts to confer with each other, with the end result being consolidation based on commonality. He also supported the fact that the high school district doesn't have to accept an elementary district, even at the request of the elementary district, unless a mutual agreement can be reached. **Mr. Waldron** questioned the report card but he felt that it would be possible to work with the Board of Public Education in developing it.

Terry Minow, Montana Federation of Teachers (MFT), expressed support for **SB 79** because it is a reasonable approach to the question of whether or not school district reorganization can result in increased efficiency and better services to the students. **SB 79** respects local control and local decisions. She also approved the bill because the required performance reports would be communicating with the parents and with the public about the value of public schools.

Loren Frazier, School Administrators of Montana (SAM), was the next speaker. He expressed support for the bill because it is asking people to vote and to reevaluate their situation, whether it's every seven or 10 years. SAM also approves of the report card because it will show how the district is performing and this information to the voters will be made public.

The last proponent of **SB 79** was **Eric Feaver, Montana Education Association (MEA)**. He asked support for the bill, pointing out that there were only four school communities where there is a county high school to which an elementary school may yet be unified. This bill does, however, reference the annexation of an elementary district to another elementary district wherein there may be a high school building located. That is a simple process of annexation which may or may not be consolidation. **Mr. Feaver** said that MEA would support this bill and mentioned that he agreed with **Mr. Buchanan** that the drawing up of performance indicators did not present a problem for the Board of Public Education and **Mr. Feaver** felt confident that the indicators would be appropriate. He also agreed that all school districts could develop performance indicators and share them with their public, but pointed out that not all school districts would be subject to consolidation, annexation or unification; therefore, amendments will have to address that fact. He suggested that a change show why the reporting mechanisms are required in the first place because they are currently in this statute tied to a prospective vote on annexation or unification. He also felt that school districts reporting every 10 years may not be often enough because the public would like to know sooner than that. He mentioned that he had served on the Governor's Task Force and

they recommended reporting every five years. His final comment was that MEA supported **SB 79** but the passing of **SB 18** could change their attitude because of the redesigning of the processes for school employees that would occur and MEA would find this unacceptable.

Opponent's Testimony: None.

Questions From Committee Members and Responses:

SEN. MIGNON WATERMAN asked **Bob Anderson** for clarification regarding MSBA's support for an amendment to change the voting process to every 10 years but to require the performance indicator report to be given annually. **Mr. Anderson** replied that the 10 years was correct but MSBA would support whatever the Board of Public Education would decide as to the frequency of the performance indicators report.

SEN. WATERMAN then commented that once the indicators are in place, it would be relatively easy and good for public relations to publish the report annually. **Bob Anderson** replied that it depended on the type of data the Board was considering, and he felt that the Board of Public Education could work with the educational community in terms of the reporting requirement.

SEN. WATERMAN then asked for clarification from **Don Waldron** regarding the allowance of deconsolidation in **SB 79**. **Mr. Waldron** answered by saying that studying the happenings in a school district may produce unhappiness and dissatisfaction. This could produce a combining of community forces to further study the issues which could result in breaking up the district in order to better serve students. **SEN. WATERMAN** wondered whether it was lawful to break up a high school district. **Eddye McClure** and **Jack Copps, OPI**, answered that the law does not, at this point, provide for the creation of a new district. Territory can, however, be transferred to an existing district.

SEN. BARRY "SPOOK" STANG questioned **Bob Anderson** about the performance indicators report and its added cost to the districts. **Mr. Anderson** answered by saying that page 3 in the Statement of Intent indicates that this can be worked out with the Board of Public Education. He also suggested that the performance indicators be used which are already required, thus saving costs.

SEN. STANG again asked **Mr. Anderson** for a simple "yes-or-no" answer to the question of whether schools were presently using performance indicators reports and would doing so add to school districts' expenditures. **Bob Anderson** replied that he could not give a simple answer because some districts are now doing a lot of reporting and ultimately the cost would depend on what the Board of Public Education indicates what the report should include. **SEN. STANG** then commented that if this requirement puts a bigger financial burden on the school district, it would be

called an unfunded mandate. **Mr. Anderson** responded that the Board of Public Education plays a major role in that MSBA has always worked with it to make sure that accreditation standards and other reporting devices were honored, and the same is true of OPI.

SEN. STEVE DOHERTY asked **Bob Anderson** who would pay for the election, whether it be held every 5, 7 or 10 years. **Mr. Anderson** replied that it would be held at the same time as the regular April Trustees Election, making it just another item on the ballot. **SEN. DOHERTY** then asked for further clarification of **SB 79**, stating that he understood **Mr. Feaver** to say that this bill affects only four districts. **Mr. Anderson** responded that in reality there were five such districts (county high schools & adjacent elementary districts) but it was only a part of this bill; the other part deals with stand-alone elementary districts (Kessler, East Helena) who would be required to hold this election. This would affect approximately 200 districts.

SEN. DOHERTY continued by requesting affirmation that every elementary district would have to hold an election every 10 years and issue a report card annually. **Bob Anderson** answered that the idea of the Governor's Task Force was to issue the report card just prior to election so that the public would have enough evidence on which to base a vote. Testimony today indicated that the report card should be issued annually or at least on a regular basis.

SEN. DOHERTY asked whether there was a definition of a school district performance indicator. **Mr. Anderson** replied that some performance indicators listed were correct; much of that information now is part of MSBA's fall report which is submitted to OPI so it would probably be possible to pull some of those elements from that report.

SEN. LOREN JENKINS asked for more clarification on the matter of increasing costs to districts. **Bob Anderson** again stressed the fact that the costs would depend on the requirements of the Board of Public Education. **SEN. JENKINS** responded by saying that he remembered the Board of Education's "Project Excellence" and the costs that were put on the school board; he was concerned that it might happen again. **Eddye McClure** answered by saying that under legislative rules, the only time a Statement of Intent is needed is when new rulemaking authority is given. Page 3, Line 13, is rulemaking authority that the Board of Public Education is conceding that it does not now have. There is also a mandate to not give an unlawful delegation. The Statement of Intent, when giving new lawmaking authority to a person(s), must give some guidelines rather than carte blanche "just-adopt-rules." If they are presently making reports with the rulemaking authority they now have, perhaps new rulemaking authority is not needed.

SEN. JENKINS further questioned what happens when the legislature and Board of Education are deadlocked -- what is the ruling in

that the Board of Education has constitutional rulemaking authority and the legislature cannot usurp that authority. **Eddy McClure** referenced the decision by Judge Sherlock in the case concerning the gifted and talented which did not define general supervision. **Ms. McClure** said that the Board of Public Education continues to send their rules to the Legislative Council to be reviewed, asking for legislative oversight. If the Board decided to implement constitutional rulemaking authority in this area, there would not be a need to set rules for review under MAPA.

Bob Anderson addressed **SEN. JENKINS'** question on "Project Excellence." He said that there were increased costs to school districts because class sizes were lowered, thus increasing the numbers of teachers and teachers aides; increase in numbers of counselors, librarians, etc. He said he was concerned about #4 in the Statement of Intent because he didn't know exactly what those performance indicators would be. **SEN. JENKINS** also expressed concern that an elementary district can combine with a high school district on an agreement between the two; yet we are mandating an election, not considering whether they have a desire to combine. Also, **SEN. JENKINS** wondered what happened when a high school district is larger than the elementary district -- would the high school district force the elementary district under it because of the majority vote. **Mr. Anderson** explained that when a county high school district unifies with an elementary district, both districts must vote positively before they will be unified. On annexation, when a small district moves into a larger district, the smaller district votes on whether to annex and the larger district votes on whether to assume it with or without bonded indebtedness. It is true that this is a mandated election, but MSBA sees this bill as an alternative that gave some degree of local control. **SEN. JENKINS** stated that he could not find in this bill the mention of them being voted separately. **Bob Anderson** went to NEW SECTION 1 and explained that this section deals with the before-mentioned five county high schools and stand-alone adjacent elementary districts.

[TAPE 1, SIDE B]

As a matter of clarification, **SEN. TOEWS** said that the question was not the election but the mandating of the districts coming together. **SEN. JENKINS** also said that the districts may not be the same size and this bill will mandate that they come together if the election is held.

SEN. WATERMAN wondered how fire drills and staff development could be considered unfunded mandates while **SB 79** would not be considered such. **Bob Anderson** answered by saying that it is mandated that every four years the public have an opportunity to elect their president. He felt that this was the same sort of mandate because it allows freedom of choice. He went on to say that school districts have much data at their fingertips which would be a part of this reporting requirement. He said that MSBA would take its chances with the Board of Public Education in

trying to minimize the cost to the school districts.

SEN. JENKINS wondered what could be done with this bill that cannot be done in present law. **Bob Anderson** replied that an election to annex or unify districts could be held today but a report card mechanism is not currently in statute, though much of the report card along the lines listed in the Statement of Intent is presently in place. However, the concern is in working out the details with the Board of Public Education. **SEN. JENKINS** commented that essentially this is a consolidation bill but **Mr. Anderson** said he preferred to call it a bill that allows for local control and flexibility within school districts.

SEN. EMERSON expressed concern that there might be less local control because certain things have to be done at certain times. **Bob Anderson** responded by saying that because of the history of consolidation/unification, MSBA felt that this was a good alternative of getting as close as possible to local control and still try to answer some of the debate on consolidation & unification. **SEN. EMERSON** asked whether it wasn't true that when someone tells you to do this or that, it's against having your own control? **Mr. Anderson** replied that all have certain requirements by which to live and the same is true with schools. MSBA feels that schools can handle the burden which will be placed on them.

SEN. GAGE wondered what would happen if a school district voted in 1997 and again in five years but the bill went down. Would the district be required to vote again in two years? **Bob Anderson** replied that voting would have to take place in 7-year intervals, i.e. 1997, 2004, 2011, 2018, etc., unless the districts were unified or annexed.

SEN. GAGE voiced concern over Lines 20 & 21 in the Statement of Intent, ".....include but are not limited to." He wondered if performance indicators were the same as outcome-based education. **Wayne Buchanan** responded by saying that performance indicators included standardized tests; surveys of community, staff, administration and school board regarding their opinions on how well the schools are doing. Local businesses would also be surveyed on if the graduates had adequate skills to perform in the workplace. Also used would be awards received by the school, individual students and individual teachers. Another consideration would be the teachers' degrees. **Mr. Buchanan** agreed that the cost involved would not be so great in compiling the information but the distribution of that information could be expensive. The bill does not specify what kind of distribution is intended, and in reality it could be called an unfunded mandate.

SEN. GAGE then asked about the status of a bill introduced in a previous session which said that the Board of Education cannot mandate programs to schools without providing the proper funding. **Eddy McClure** and **Mr. Buchanan** opined that there is a requirement

that there be a fiscal note which would alert the legislature to the cost; both agreed that there was an existing law on the books regarding rules with fiscal impact.

SEN. GAGE asked for clarification on a court decision which said that statute cannot override Board of Education rulemaking because they are constitutionally in charge. He wondered about the breadth of the Statement of Intent, ".....not limited to", and in regard to giving that rulemaking authority to start with. **Eddy McClure** again referenced the Sherlock decision and reiterated that if the Board wanted to assert its rulemaking authority as general supervision, which Judge Sherlock did not define, the Board rules would not come under MAPA. However, that is not the intent of the Board since the Board is asking for new rulemaking authority from the legislature. It appears that the Board wants to be under the authority of the legislature. **Mr. Buchanan** responded by saying that even though the Board has constitutional authority to adopt rules, it is not likely to do so. **SEN. GAGE** furthered the discussion by saying that he had asked a member of the Board of Regents where the legislative authority started and stopped regarding the university system. The answer he received was, "When you authorize our budget, you're out of it."

Eddy McClure cited 20-2-115 as the rule referred to earlier in the meeting regarding financial impact.

Closing by Sponsor:

SEN. BROWN said that **SB 79** provides an opportunity for people on the local level to make a decision at periodic intervals to decide whether they want to unify or consolidate their school districts. As to the performance indicators, there needs to be a basis on which to base a decision on whether or not to unify or consolidate. The question of whether specific rulemaking authority in this legislation is needed to allow the Board of Public Education to promulgate those rules is certainly valid.

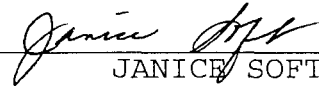
The reason this issue remains before the legislature is that Montana is conspicuous among the states for having a small population and a large number of school districts. Though this shows our independence, it is expensive -- perhaps a luxury that cannot be afforded on either the local or state level. **SB 79** requires that at reasonable intervals, people address this problem. **SEN. BROWN** stated that he would welcome visits from Education Committee members regarding **SB 79** and would consider amendments as suggested. He closed by again reiterating that **SB 79** was a way of addressing the fact that local control should not be done away with but neither should it be ignored that the luxury of hundreds of school districts may not be able to continue indefinitely.

ADJOURNMENT

Adjournment: The meeting adjourned at 2:27 p.m.



SEN. DARYL TOEWS, Chairman



JANICE SOFT, Secretary

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SENATE EDUCATION

POSTSECONDARY EDUCATION POLICY AND BUDGET COMMITTEE
Cost ReportEXHIBIT NO. 1DATE 1/13/95BILL NO. SB 76 %

	BUDGET FY95	EXPENDITURES 12/31/94	PRIOR YEAR EXPENDITURES	Expended
TOTAL BUDGET	\$15,000			
PERSONAL SERVICES		\$1,093	\$2,524	
CONTRACT SERVICES		\$0	\$361	
SUPPLIES		0	23	
COMMUNICATIONS		0	3	
TRAVEL		1,814	5,157	
RENT		0	0	
REPAIRS		0	0	
OTHER		0	18	
TOTAL OP EXPENSE	\$0	\$1,814	\$5,562	
EQUIPMENT				
TOTAL OPERATING	\$15,000	\$2,907	\$8,086	73.28%
			Balance Remaining	\$4,007
			Time Elapsed	75.00%

BIENNIUM APPROPRIATION BALANCES

	BUDGET FY95	EXPENDITURES 12/31/94	Prior Year Expenses	BALANCE REMAINING	
Post-Secondary Education	15,000	2,907	8,086	4,007	73.28%
Data Processing	4,000	0		4,000	0.00%
SB 378 Earmarked Revenue Review	16,000	2,318	1,619	12,063	24.61%
TOTAL BIENNIAL	\$35,000	\$5,225		\$20,070	14.93%

Testimony by Bob Anderson, MSBA
Senate Education Committee
on Senate Bill 79 by Senator Bob Brown
1/13/95

Mr. Chairman and Members of the Committee

For the record, I am Bob Anderson speaking for the Montana School Boards Association in support of SB-79.

Over two years ago I asked former Governor Ted Schwinden to do a study on the topic of school consolidation for our association. This request was made and accepted because MSBA members had adopted a resolution that stated:

RECOGNIZING THE IMPORTANCE OF THE DEBATE ON CONSOLIDATION AND UNIFICATION , MSBA WILL DEVELOP A PROPOSAL TO SUBMIT WITHIN 12 MONTHS TO THE LEGISLATURE AFTER CONSIDERATION AND FEEDBACK FROM INDIVIDUAL DISTRICT AND OTHER INTERESTED PARTIES.

Schwinden spent the winter of 1993 poring over any data he could get his hands on to review this delicate matter and in April that year he issued the SEEDS Report, which was sent to all legislators and members of the association.

The former governor traveled across the state to 10 different sites to discuss his findings and recommendations with our members and others. Over 20 other meetings, including our last two annual meetings, have supported the outcome of much of this work.

One of his proposals was passed in the form of Senate Bill 46 in the special session of 1993. This proposal, which was based upon issues within the report, was also heard in the special session one year ago and was passed in the House of Representatives by a vote of 98 to 2. It is now time for this bill to have favorable consideration by this committee .

Two items in the current legislation that we would like you to consider, and I have discussed both of these with the sponsor, are the issue within the statement of intent and the number of years between elections.

Since school districts can cause these elections to occur at any time we would prefer that these mandatory elections occur only during 10 year intervals.

Second, we believe that the Board of Public Education needs the flexibility to decide what the so called 'report card' criteria should be. The language in the intent could increase the cost of this requirement and whereas school districts already have reporting requirements by the state we would hope that data needed in this report would not be onerous to the local district. Also, this requirement should be made for all school districts, not just a few selected districts.

This bill is a serious attempt to allow Montanans an opportunity to determine the future of their elementary and county high school districts. The people will be required to decide whether their elementary school district should consolidate through annexation with another elementary school district and whether or not their county high school would unify with their elementary school district.

This legislation retains local decision-making. It also shares the opportunity and responsibility with the people of Montana to streamline their own government through the ballot box.

This proposal is not state mandated consolidation. It does not mandate that the people of this state participate in the decision-making process. It mandates the electors of each elementary school district that does not have a high school building determine whether it is time to enlarge their district and annex with an adjoining elementary district. It mandates an election.

I want to stress to this committee this legislation provides a unique and timely opportunity for the people to decide. The debate and discussion among our various elementary school districts and county high school districts will further the reinventing of government that this legislature and the Governor are calling for.

EXHIBIT 2
DATE 1/13/95
SB 79

DATE 1-13-75

SENATE COMMITTEE ON Education

BILLS BEING HEARD TODAY: LB 16 - LB 19

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PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
Bob Anencou	MSBA	79	✓	
Don Waldron	MREA	79	✓	
Terry Minow	MFT	79	✓	
Eric Flann	MEA	79	✓	
PAT HAFEEY	Governor's Office	79		
Loran Frazier	SIAM	79	✓	
Wayno Buchanan	State Bd of Ed	79	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY