

# **MINUTES**

## **MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION**

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

**Call to Order:** By **CHAIRMAN DARYL TOEWS**, on January 22, 1997, at 1:04 p.m., in Room 402.

#### **ROLL CALL**

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

Sen. Daryl Toews, Chairman (R)  
Sen. C.A. Casey Emerson, Vice Chairman (R)  
Sen. Debbie Bowman Shea (D)  
Sen. Steve Doherty (D)  
Sen. Delwyn Gage (R)  
Sen. Wm. E. "Bill" Glaser (R)  
Sen. John R. Hertel (R)  
Sen. Loren Jenkins (R)  
Sen. Mike Sprague (R)  
Sen. Barry "Spook" Stang (D)  
Sen. Mignon Waterman (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Eddy McClure, Legislative Services Division  
Janice Soft, Committee Secretary

##### **Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 187, SB 165; Posted  
01/17/97  
Executive Action: None.

#### **HEARING ON SB 187**

**Sponsor:** SEN. BRUCE CRIPPEN, SD 10, Billings

**Proponents:** Bob Brigham, University of Montana  
Jeremy Fritz, Montana State University-Bozeman  
Jason Thidman, University of Montana-Missoula  
Kris Copenhaver, Montana State University-Billings  
Jim McCray, Montana State University-Bozeman  
Chris Johnson, University of Montana-Dillon  
Richard Crofts, Commissioner of Higher Education  
George Dennison, University of Montana-Missoula  
Mike Malone, Montana State University-Bozeman

**Opponents:** None.

**Opening Statement by Sponsor:**

**SEN. BRUCE CRIPPEN, SD 10, Billings,** said SB 187 removed the conflict between Article X, Section 10, of the Montana Constitution and statutory law by authorizing the University System to retain investment earnings in all University funds. He referred to and explained the written testimony which was distributed to the Committee. **(EXHIBIT 1)**

**SEN. CRIPPEN** referred to 17-2-107(4) of SB 187 and explained the deleted portion, reminding the Committee it did not deal with the unrestricted subfund. He said it was his understanding the unrestricted subfund included interest generated from tuition monies paid by university students. **SEN. CRIPPEN** remarked it was his understanding if SB 187 passed, the Board of Investments, who had control of the fund, would look at the legislative intent in taking the restricted and designated subfunds as well as the unrestricted subfund monies to go to the University unit rather than to the General Fund.

**SEN. CRIPPEN** informed the Committee the money that went back to the University units would be used to provide financial aid for students. He explained SB 187 another way: Interest generated from monies given to the state through tuition was still part and parcel of the principal, i.e. tuition to be used for educational purposes and not for the General Fund. He said the present practice was in direct contradiction to what the Constitution said. He expressed legislative concern regarding SB 187 did not specifically designate the funds; however, it was clear the money was not to go into the University General Fund to be used for salary increases. He restressed the fact it was to go into the MTAP (Montana Tuition Assistance Program) to aid students. He informed the Committee SB 187 had a good-sized fiscal note, which would be quite a hit to the General Fund; however, he suggested perhaps these funds should not have been in the General Fund to begin with.

**Proponents' Testimony:**

**Bob Brigham, University of Montana,** explained the written testimony **(EXHIBIT 2, Page 1)** and stated it was much harder for today's college students to work their way through college with a part time job in the same way his father did. He remarked it was not uncommon for a college student to graduate with a \$20,000 debt, which was very detrimental in giving graduates the right start.

**Jeremy Fritz, Montana State University-Bozeman,** said the students wanted to see the money transferred to MTAP, so he explained **(EXHIBIT 2, Page 2)**. He added 5,200 students could benefit from the program SB 187 was promoting. He also commented on the \$500 grant, saying it did not sound like much money but it could be helpful to a college student by paying for books, a computer system, clothes, allowing him or her to travel home more often or

join university organizations. **Mr. Fritz** also maintained \$500 per year, or \$2,000 + interest, would lessen the debt to be paid back, thus relieving the burden of student loans. He said the student could get into the work force and contribute to the economy sooner by not having to pay back such large loans. He asked for the Committee's support for SB 187.

**Jason Thielman, University of Montana**, spoke on the theme of why the interest from tuition dollars should go to MTAP. He remarked businessmen understood the concept of interest on dollars, the importance of holding on to cash held by the business before paying the bills, and what that could mean in the bottom line of an enterprise. He said if the students were charged for the ongoing costs of doing business in higher education, there would be more money at the end of the payment period. He said SB 187 was about returning money which essentially belonged to students because it was interest earned from their dollars. **Mr. Theilman** asked the Committee what would be a better way to use this money than to return dollars to deserving students (those from low and middle income families who qualified for no significant financial aid except loans). He informed the Committee the average student at Missoula worked about 20 hours per week besides carrying a full class load, and he believed this was the type of student in which Montana would want to invest. He said it was estimated there were 1,698 students in Yellowstone County which would qualify for this program, and in Gallatin County there 1,257 eligible students. He encouraged support for SB 187.

**Kris Copenhaver, Montana State University-Billings**, expressed support for SB 187 because she felt one of the best ways to use the money was to return it to MTAP.

**Jim McCray, Montana State University-Bozeman**, said a committee composed of University System student body presidents and representatives from vocational schools met and decided financial aid and assistance was a true and definite priority. He urged support for SB 187 and thanked **SEN. CRIPPEN** for sponsoring it.

**Chris Veis, Montana Tech**, expressed support for SB 187 for reasons already given.

**Richard Crofts, Commissioner of Higher Education**, gave a background behind SB 187, saying during phase 2 of the restructuring of the University System, attention was focused on 4 questions: (1) How do students get into the University System; (2) How do students get through the System; (3) What about getting jobs when they finish; (4) How are they going to pay for it. **Mr. Crofts** said in order to answer #4, a task force on financial aid was established and the task force presented the report which provided the basis for the program. **(EXHIBIT 3)** He said when the report came to the Board of Regents about a year ago, that body endorsed the recommendations of the task force and when the Regents prepared the budget request for the University System, they included this on the list of priorities. He also

referred to data from WICHE and said among the regional states Montana was traditionally at the low end of tuition and financial aid provided; however, current data showed Montana tuition was now in the top five or six western states but continued to be near the bottom in financial aid support. **Mr. Crofts** said the sum of the information was students were graduating with considerably more debt than a few years ago.

**Mr. Crofts** gave a summary of the Regents' budget requests: (1) The first priority of the Regents was the continuation of the collaborative agreements of faculty salary increases as well as improvements in classroom facilities, the sustaining of which could be accomplished because of adequate dollars in the executive budget; (2) The second priority was improvements in technology, which originally was a \$9.8 million request but now has been divided into two parts, both of which were included in the executive budget -- \$2.8 million of General Fund in the current biennium and \$7 million from the System; (3) The third priority was the tuition assistance program, which was adopted by the Regents under the assumption it would be funded from the various administrative service review changes, the biggest of which was the interest earnings -- roughly \$3.5 million. He explained the Regents realized if the University System kept the \$3.5 million interest dollars, the impact was virtually identical to the same increase from the General Fund. Since this was the third priority, it was assumed the additional revenue would flow into the program. **Mr. Crofts** spoke on behalf of the Regents and said if additional funds were devoted to this process, they would go into MTAP, but stressed it was based on the assumption the General Fund would not be reduced from the University System. He expressed support for SB 187 and for the building of MTAP.

**George Dennison, University of Montana**, reiterated points already made: (1) The movement away from low tuition, virtually no financial aid. The Rocky Mountain region (Montana) was one of the last to move that direction; however, when moving that way, the whole replacement equation had not been put in place, i.e. movement into relatively high tuition and some state funding for financial assistance; (2) The commitment of the students who were being asked to qualify for MTAP to earn at least \$2,500 plus have a family contribution of no more than \$5,000.

**Mike Malone, Montana State University-Bozeman**, noted Montana moved from low tuition-low financial aid to regional levels rather quickly, even though Montana's per capita income was about 15% below the national average. He also said on Bozeman's campus, about 70% of the students worked in addition to taking classes, which could result in students taking longer to graduate and in accumulating higher debt. He also remarked as tuition and debt rose, financial assistance should rise along with it. **Mr. Malone** commended Montana students for their faithfulness in paying off the debt, saying they were at the top of the national average in that category.

Opponents' Testimony: None.

{Tape: 1; Side: A; Approx. Time Count: 1:37 p.m.}

Questions From Committee Members and Responses:

**SEN. MIGNON WATERMAN** if the money designated for MTAP could go through the appropriations process. **SEN. DARYL TOEWS** said it would go through HB 2.

**SEN. DELWYN GAGE** asked if there were any statistics on students dropping out of college because of financial reasons. **Richard Crofts** said there were no concrete figures; however, on virtually every survey conducted, many students said they dropped out because of financial reasons. **Mike Malone** said about 3/4 of the students they dealt with cited financial reasons.

**SEN. GAGE** asked if vo-tech students qualified for MTAP and the answer was "yes." **SEN. GAGE** then asked if the nonbeneficiary students at the tribal colleges qualified. **Mr. Crofts** said in order to qualify, the student must contribute \$2,500 per year, the family no more than \$5,000 and be a Montana resident. He said MTAP was open to all state institutions, not just the University System campuses; therefore, the tribal colleges would be included.

**SEN. GAGE** asked if there were any figures to show the change in scholarships. **Richard Crofts** deferred to **George Dennison** who said he could not provide a specific number; however, he could provide the Committee with the results of the \$40 million capital campaign, \$10 million of which was for scholarships. **Mike Malone** added donors were most attracted to merit rather than need scholarships.

**SEN. STEVE DOHERTY** commented the second part of the fiscal note said "the legislature may want to specify distribution pattern for General Fund in HB 02," and suggested coordination language with HB 2 might be needed. **SEN. BRUCE CRIPPEN** said he would leave that to the Committee since there was some question as to whether SB 187 could allocate funds because money could not be allocated in the Senate; therefore, coordination language might be helpful.

**SEN. DOHERTY** asked if SB 187 would be the vehicle for the Board of Investments to establish interest-bearing accounts. **SEN. CRIPPEN** said he was not sure the Board really needed that authority; however, if it did, this Committee would be the authority as long as it did not border on the appropriations aspect.

**SEN. MIKE SPRAGUE** asked what percentage of students starting the University System actually finished the System with four-year degrees. **Mr. Crofts** said he thought about 45-50% if the time allotted was six years rather than four. **SEN. SPRAGUE** commented

the MTAP investment in students was the same in the first two years as in the last; therefore, it seemed a poor investment up front but a very good one later on. **Mr. Crofts** said perhaps the difficulty was it was virtually impossible to tell up front which students would be poor investments and which would be good. **SEN. CRIPPEN** commented the definition of education was more than a diploma; it was an ongoing fact of life for the good of society and should not be measured by a degree but by what was offered to the citizens. He said even if the students left before completing college, society would be better for it.

*{Tape: 1; Side: B; Approx. Time Count: 1:50 p.m.}*

**SEN. CRIPPEN** said he also advocated students leaving Montana for awhile to see what the rest of the world was like because the rest of the world would have to be dealt with in some way during their lifetime. **SEN. SPRAGUE** interrupted by asking about the relative propensity to repay. **SEN. CRIPPEN** said the propensity to repay would be greater at the beginning than less at the end.

**SEN. CASEY EMERSON** asked for figures for 1980 and 1995 for cost of higher education per pupil in Montana. **Rod Sunstad, Commissioner's Office**, said he could get the information but he did not have it with him. **Richard Crofts** commented MTAP was put together with the assumption the state would provide additional funds for the financial aid program. He said once the state backed away from putting General Fund dollars into an expanded financial aid program, the question of who would receive those dollars was different; i.e. when discussing the interest earned on the tuition dollars paid by students, it should not be surprising to hear the argument the money should stay with the students and campuses where the dollars were contributed.

Closing by Sponsor:

**SEN. BRUCE CRIPPEN** commented on the mentioning of the tuition/financial aid trend of the past few years and he said it was a fact of financial life; however, he had sat on the University of Montana Foundation board and there were many available, though somewhat restrictive, merit scholarships which were never applied for. He said the board tried to change the scholarships to address need rather than merit, and **SEN. CRIPPEN** felt progress had been made in that area. He reminded the Committee students were being asked for more and more money, most of it coming from themselves rather than other sources. He reminded the Committee the interest money had been taken and put into the General Fund (could not hear the tape because of the roar of a plane flying overhead).

*{Tape: 1; Side: B; Approx. Time Count: 2:04 p.m.}*

HEARING ON SB 165

Sponsor: **SEN. B.F. "CHRIS" CHRISTIAENS, SD 23, Great Falls**

**Proponents:** Gail Gray, Office of Public Instruction  
 Peggy Beltrone, Cascade County  
 Lance Melton, Montana School Boards Association  
 Larry Fasbender, Great Falls Public Schools  
 Candy Wimmer, Montana Board of Crime Control  
 Mary Alice Cook, Children & Families  
 Eric Feaver, Montana Education Association  
 Loran Frazier, School Administrators of Montana  
 Buddy Malee, Montana Federation of Teachers

**Opponents:** None.

**Opening Statement by Sponsor:**

SEN. B.F. "CHRIS" CHRISTIAENS, SD 23, Great Falls, said SB 165 assured education for juveniles who were detained in the three Montana detention centers located in Billings, Great Falls and Kalispell; however, SB 165 did not address the possibility of a fourth facility being added this biennium. SEN. CHRISTIAENS said SB 165 was not perfect but much time and effort had gone into its crafting, and there was more than one way to deliver the funding for the educational services for the juveniles. He explained his greatest concern was these young people were not receiving the required education when they were retained in the detention centers; therefore, they were put at an even higher risk because when they had not received schooling for a period of time, they were doomed for long-range failure due to the probability they would move from the juvenile system into the adult system. He offered his assistance in working with the Committee, Candy Wimmer and OPI to figure out a better way of delivering the funding for SB 165.

**Proponents' Testimony:**

Gail Gray, Office of Public Instruction (OPI), expressed strong support for SB 165, saying students in detention centers both needed and deserved educational services while they were there. She said OPI felt their education was important for their future as well as for the future of society and Montana. Ms. Gray shared OPI's proposal (EXHIBIT 4) which offered a more simple approach to the funding, but she stressed the fiscal impact was the same. She explained OPI would like a biennial appropriation earmarked for that purpose and would like to pay a negotiated rate to the detention centers on a monthly basis for the students there. She stated SB 165 provided for the payment to start on the tenth day after their detention center placement. She expressed willingness to accept modifications to OPI's proposal and/or work with the sponsor and the Committee. She summarized by saying OPI supported the concept of SB 165 and wanted to work to achieve it.

Peggy Beltrone, Cascade County, said even though the detention centers had been around for awhile, the education of these youth was an issue today because the length of stay was progressively

getting longer -- from the original seven days to nine months. She said they noticed a direct relationship between the way the youth acted out and the lack of things to do. **Ms. Beltrone** addressed the staff security issues, relating how a staff member had been assaulted by a youth who had been at the center for 72 days and had received no education. She expressed support for SB 165 because it offered security for their staff members.

**Lance Melton, Montana School Boards Association (MSBA)**, expressed support for the concept of SB 165 but was concerned the funding not place an additional burden on the existing programs.

**Larry Fasbender, Great Falls Public Schools**, said he supported SB 165 because the educational component was necessary for the detention system. He stated he originally had a problem with the funding issues but the proposal offered by OPI answered some of their questions. **Mr. Fasbender** urged the proper funding of the bill and to pass it with the suggested amendments by OPI.

**Candy Wimmer, Montana Board of Crime Control**, said she was responsible for the funding the state provided for the operation of the detention facilities. She said she concurred with the proposed amendments from OPI because it would simplify the administration of receiving reimbursements for the cost of education. She informed the Committee the detention centers were housing youth in a preadjudicatory status, i.e. the youth had been accused of a crime but had not yet been before the judge. **Ms. Wimmer** said youth were being deprived of their right to education because no decision could be reached regarding getting the funding into the facilities or for the teacher. She explained this problem began four years ago when the program was created. She contended when the facilities began four years ago, the length of stay was about three days but with the increasing trend of transferring youth through the adult court process and appeals process, she was aware of some youth who had been in detention for well over a year. **Ms. Wimmer** asked for consideration for an amendment which would change the "10 day placement before accessing education" because of the security issue if the youth were there for that length of time without having something productive to do. She suggested if a teacher were available, all the youth in the center might as well be involved in the education program.

**Mary Alice Cook, Children & Families**, said she did voluntary teaching at the Montana Youth Homes in Helena; however, these were not detention centers, per se. She underscored the previous testimony when the youth were in detention they needed continuing education because they were more able to get their minds off where they were and what they were doing. **Ms. Cook** suggested the education should not begin before the 10 days because the youth may need that time to collect themselves.



**Eric Feaver, Montana Education Association (MEA)**, offered support for SB 165 for all the reasons heard but urged consideration for the amendments offered by OPI.

**Loran Frazier, School Administrators of Montana**, said he could support the concept of SB 165 and the amendments offered by OPI.

**John Malee, Montana Federation of Teachers (MFT)**, voiced support for SB 165 and the concepts of OPI.

**Opponents' Testimony:** None.

**Questions From Committee Members and Responses:**

**SEN. MIGNON WATERMAN** asked if there was a fiscal note and also why only the three existing detention facilities were covered, instead of including any future facilities. **SEN. CHRISTIAENS** said he had the fiscal note which referred to the number of children and the average daily population in the three facilities. He explained there was at least one additional facility in the planning stages; it was his intent to include enough money to provide education for any juvenile in a detention facility. He also explained he had gotten the fiscal note that morning and it was not correct because it said only \$52,880 which was not enough. **SEN. CHRISTIAENS** submitted the idea it was necessary to begin the education before the 10th day the juvenile was in the facility. He stressed the fact though there were some problems with SB 165, it was important it did not die because it was vital to the high-risk youth in the detention centers. He stated if it was desirable to change the direction of youth in detention so they did not enter the adult system, education and prevention was the key.

**SEN. WATERMAN** suggested adding flexible language which would speak to beginning the education as soon as the youth was able to benefit.

**SEN. LOREN JENKINS** asked if the Great Falls detention center currently had a teacher hired to teach the youth presently there. **Peggy Beltrone** said they did but the amount of time was not really enough. **SEN. JENKINS** wondered about the age of the juveniles and **Ms. Beltrone** said they were licensed for age 12 and above. **SEN. JENKINS** commented the one teacher was trying to keep them on their schoolwork and **Ms. Beltrone** agreed.

**SEN. JENKINS** asked if the tuition outside the detention center followed the youth from school to school. **Gail Gray** said the original proposal was the county of the sending district would pay the tuition to the detention center after the county collected the money from the county equalization and state funding for schools and the amount established for tuition was taken off the top. Then the county would disperse the tuition money wherever it needed to go and the rest would be returned to OPI who would send the schools their share of the state funding.

**Ms. Gray** stated it would be simpler and cost no more to have the state superintendent disperse the funds directly to the detention centers. **SEN. JENKINS** still asked for clarification of tuition following the student across district or county lines. **Ms. Gray** said it would follow as long as the reason to pay the tuition was legal. **SEN. JENKINS** wondered if the sending district would collect ANB on the student and **Ms. Gray** said ANB was generated on two counts per year (October & February) and if the student were enrolled in the sending district on either of those dates, he or she would generate ANB; however, if the student were not enrolled on those dates, there would be no ANB. **SEN. JENKINS** wondered if the student count was actual or estimated. **Gail Gray** said it was actual. **SEN. JENKINS** asked if the student were enrolled during the fall count, would ANB be collected until the spring. **Ms. Gray** answered that was generally true; however, sometimes students enrolled after the count so they generated no ANB while some students were enrolled on the day of the count (thus generating ANB) but moved away soon after.

**SEN. JENKINS** wondered if the Montana Board of Crime Control or Department of Corrections paid anything toward the education in the detention facilities. **Ms. Wimmer** replied they paid 50% of the operating cost of the facility; however, they had a great deal of difficulty in contracting teacher services. **SEN. JENKINS** asked if it were possible to get two or three teachers into the facility, would the cost be part of the operational costs, and would the Department pay 50% of the cost. **Ms. Wimmer** said the money came from the General Fund and said they would be willing to pay part of the cost, but could only reimburse 50%.

**SEN. DEBBIE SHEA** asked if the educational plan was coordinated with the local school district. **Gail Gray** said that was what they hoped; however, the plan was still in its infancy stages. She stated it seemed advisable to coordinate the education with the receiving school district; however, if the youth was to be in the detention center for a long time, he or she should receive long term educational service as well as credit. **Ms. Gray** also pointed out if the contracted services were not with an accredited program, the youth would not receive credit. **SEN. SHEA** asked if OPI would be involved as a coordinator for 504 services. **Gail Gray** said federal law required all students with disabilities identified under IDEA to receive free public education regardless of where they were; therefore, the schools in which the detention centers were located were required to provide special education services regardless of whether or not money was provided. **Ms. Gray** affirmed students whose disabilities were identified by IDEA would receive educational services while those whose disabilities were not identified under IDEA may not receive them. **SEN. SHEA** maintained the identifiable part was under 504 and if the youth did not have that available to them, they would slip through the cracks. **Gail Gray** was of the opinion that even though 504 was passed in 1973, it was something schools had not spent much time on until relatively recently. She further explained it was students who were 504

eligible but not special ed, i.e. Attention Deficit Disorder, who were slipping through the cracks.

**SEN. SPRAGUE** reminded Candy Wimmer both had served on the Juvenile Justice Subcommittee which toured the detention facilities and also how the Subcommittee tried to address the issue of the money following the child. He said he seemed to be hearing SB 165 was saying the money may not follow the child; therefore, additional funding would be needed. **Candy Wimmer** said with the amendments by OPI, a single piece of tuition from a single school district was not being attached; rather, a chunk of the state General Fund would be set aside. Also, the educational costs would not be reimbursed in the youths' own districts because they were not being educated there. She reminded the Committee there always lag time needed to process the youth, to notify the school districts, get the records, etc., which would delay the funding. **SEN. SPRAGUE** commented he thought it was the responsibility of Corrections because that department put the youth into the detention centers, which made the youth absent from school. **Candy Wimmer** maintained Corrections was not involved until the judge sentenced; until then the youth were under the jurisdiction of the district courts with the probation department. **SEN. SPRAGUE** commented whoever took the youth from the school and put him or her into the detention center, and realizing the school was coming with its payment -- was that the point when Ms. Wimmer's agency would come with the first half of the payment, knowing the other half was coming. **Ms. Wimmer** said they would be happy to do whatever they were able to do, legislatively. She reminded the Committee at this point they did not have that authorization because the funding came from the General Fund. **SEN. SPRAGUE** commented he was astounded to find the inappropriate reading material when the Subcommittee toured the facilities, but he did notice an educational manual at one of the facilities. He wondered if Ms. Wimmer had seen the manual and if she had, what was her opinion of it.

*{Tape: 2; Side: A; Approx. Time Count: 2:40 p.m.; Comments: Ms. Wimmer's reply was lost when inserting the second tape..}*

**SEN. JENKINS** asked if the school were accredited, would the classes taught need to be accredited also. **Gail Gray** emphasized the contract for educational services would be with a publicly funded accredited school so the accredited school would be responsible for the entire program and the credits given the students who earned them.

**SEN. DELWYN GAGE** asked to what extent tuition would be paid twice for a youth who may be enrolled both in his or her home district as well as in the detention center during the same year. **Ms. Gray** maintained tuition was not paid twice because many youth were in the center just a few days or weeks and during that time the local school district had continuing costs for the classroom from which the youth came. She reminded the Committee if a student was enrolled the day of the child count but left the next

day, he or she would be part of the ANB, and if a child enrolled the day after the child count and stayed the entire year, he or she would not be part of the ANB; therefore, she saw the whole thing as a wash.

**SEN. GAGE** said his question was to compare **SEN. CHRISTIAENS'** proposal with that of OPI and **Gail Gray** said they essentially said the same thing, explaining the payment would be on a per-day basis, based on a negotiated amount, while the youth was in the detention center.

**SEN. GAGE** referred to the comment regarding "asking for an appropriation" and "it would not cost any more under either proposal", and wondered from where the additional funding would come if there were a separate appropriation. **Ms. Gray** said in OPI's proposal, the appropriation came from the General Fund; in **SEN. CHRISTIAENS'** proposal the money came from the individual county equalization accounts before the money was sent to the state, which was then deposited into the General Fund from which individual schools were paid. **SEN. GAGE** asked if the amounts would be deducted from the monies sent by OPI to the districts. **Ms. Gray** said it was not deducted now for such situations so it would not be deducted later.

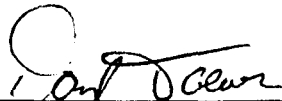
**SEN. DARYL TOEWS** commented OPI was guaranteeing educational services and the state was going to pay for them, whatever the cost, so it was an open-ended proposal. He wondered if the existing big problem would turn into an even bigger problem. **Gail Gray** said it was easier than the alternative, explaining it was already being done with in-state residential placement centers through negotiating the daily rate but paying on a monthly basis. She stated this would increase OPI's workload but it was also a commitment to better education for students in detention facilities.


**Closing by Sponsor:**

**SEN. B.F. "CHRIS" CHRISTIAENS** said SB 165 was a complicated issue which had been in the drafting stage since the first of August. He urged the Committee to not take the bill lightly, but to get interested parties together to find a solution which would work. He declared that ultimately it was the youth who needed the education because they were preadjudicated and the bill was an education prevention component. **SEN. CHRISTIAENS** charged the Committee to keep SB 165 pure, simple and ensure the availability of money to educate within the detention facility. He stated in the last year over 1,000 young people were involved and it was crucial they got education while being detained. He offered his willingness to work with anyone regarding the funding mechanism. He pled with the Committee not to let SB 165 languish because it was too important if something was to be done to address the future needs of young people in this system.

ADJOURNMENT

**Adjournment:** The meeting adjourned at 2:47 p.m.

  
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SEN. DARYL TOEWS, Chairman

  
\_\_\_\_\_  
JANICE SOFT, Secretary

DT/JS