

## MINUTES

### MONTANA SENATE 55th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON EDUCATION & CULTURAL RESOURCES

**Call to Order:** By CHAIRMAN DARYL TOEWS , on January 29, 1997, at 1:05 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

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: SB 155; Posted 01/23/97  
Executive Action: SB 198, SB 133, SB 95, HB 25,  
SB 187

#### HEARING ON SB 155

**Sponsor:** SEN. JOHN HERTEL, SD 47, Moore

**Proponents:** Joan Schmidt, volunteer advocate for quality education  
Dr. Randy Hitz, Montana Council of Deans of Education  
Gail Gray, Office of Public Instruction  
Erik Hanson, Governor's Office  
Stuart Knapp, Deputy Commissioner of Higher Education  
Eric Feaver, Montana Education Association

**Loran Frazier, School Administrators of Montana**  
**Terry Minow, Montana Federation of Teachers**

**Opponents:**     **Storris Bishop, Board of Public Education**  
                      **Wayne Buchanan, Board of Public Education**

**Opening Statement by Sponsor:**

**SEN. JOHN HERTEL, SD 47, Moore,** said SB 155 was meant to amend the membership of the Certification Standards and Practices Advisory Council, explaining it would mandate a dean or director of a Montana institution of education be a member of the Council. **SEN. HERTEL** said the Council was created by the 1987 legislature to provide advice to the Board of Public Education on matters related to certification and professional educators. He stated the Advisory Council was composed of seven members who were appointed by the Board of Public Ed: 4 practicing teachers, 1 district trustee, 1 school administrator and 1 faculty member from an approved teacher education program offered by an accredited teacher educational institution.

**SEN. HERTEL** said SB 155 changed the Council membership by narrowing the teacher education representation to that of a dean or director of teacher education. He remarked this Council had been very helpful to the Board of Public Ed because it was able to conduct in-depth discussion and research on policies relating to teacher education; therefore, because deans were responsible for overseeing the implementation of policies related to certification and accreditation of teacher education programs, they would be a real asset to the Council.

**Proponents' Testimony:**

**Joan Schmidt, volunteer advocate of quality education for children,** said she had served two terms as a school board representative member of the Council, and was also past Chairman of the Council. She said the Council had been created ten years ago with the belief teachers themselves were the best suited to regulate their profession; however, the legislators realized wise decisions must fit into the larger scheme of things so that was the reason for the composition of the Council. **Ms. Schmidt** explained SB 155 was a subtle change because it kept the existing balance while enhancing the ability of the group to prepare well thought-out recommendations for the Board of Public Ed. She maintained the question to be asked was how best could higher education contribute to the teaching profession, and she had three suggestions: (1) The dean could look at his or her own institution in terms of the larger picture; (2) The dean had access to interaction with the other colleges in the Montana University System because he or she participated in the Council of Deans; (3) Information from the deans became a part of the process for the Council. **Ms. Schmidt** summarized by saying she felt the presence of the dean on the Council would strengthen the Council's ability to lead the way in elevating teaching as a

profession, i.e. SB 155 took a very good certification advisory council and made it better.

**Dr. Randy Hitz, Montana Council of Deans of Education**, read his written testimony. (EXHIBIT 1)

**Gail Gray, Office of Public Instruction (OPI)**, said OPI rose in support of SB 155 because they thought a dean or director of teacher education had special knowledge of the program implications, recommended changes, administrative costs and communication contacts. **Ms. Gray** encouraged a DO PASS.

**Erik Hanson, Governor's Office**, said the Governor supported SB 155 because he believed the Certification Standards and Practices Advisory Council played an important role in reviewing and improving teacher preparation and professional development in Montana and he believed the addition of the dean to the Council would make its work more effective and productive. **Mr. Hanson** said the Governor recommended a DO PASS.

**Stuart Knapp, Deputy Commissioner of Higher Education**, said his office supported SB 155 because they believed the addition of a dean to the Council would be beneficial. They realized there were interesting connections between their office and the accrediting bodies which was important in setting policies.

**Eric Feaver, Montana Education Association (MEA)**, said MEA supported SB 155, adding he did not have further testimony to attach to that already heard.

**Loran Frazier, School Administrators of Montana (SAM)**, said, "Me too."

**Terry Minow, Montana Federation of Teachers (MFT)**, said Montana must use its resources wisely and that included good communication and coordination among all systems of education. She stated there had been encouraging progress in cooperation and communication between the Board of Regents and Board of Public Ed which helped to move toward a unified system of education. **Ms. Minow** urged a DO PASS for SB 155.

{Tape: 1; Side: A; Approx. Time Count: 1:18 p.m.}

#### Opponents' Testimony:

**Storris Bishop, Board of Public Education**, said the Board of Public Ed opposed SB 155. He said since the Council was formed in 1987, there had been three appointments from the Department of Higher Education, and one of the appointees had been a dean. However, if SB 155 passed, it would jeopardize the process because the Higher Ed community would have a person serving on the Board which would be at the expense of all other qualified and interested parties. **Mr. Bishop** remarked it could also create the filling of that seat from a very small pool, could adversely

affect the balance, quality and fairness with which the Board of Public Ed had been trying to comprise the Council. He explained the current Board took very seriously their responsibility of appointing Council members. **Mr. Bishop** assured the Committee the Board of Public Ed had no reluctance in appointing a dean back onto the Council whenever it felt such an appointment would enhance the Council.

**Wayne Buchanan, Board of Public Education**, said the arguments presented by the proponents of SB 155 had merit and he was sorry there had not been a concerted effort to present them to the Board of Public Ed. He addressed some of the points made by the proponents: (1) Deans brought valuable insight and issues information to the Council. He agreed, but said it was not necessary for individuals who brought that information to the Council to also be voting and deliberating members. **Dr. Buchanan** said once a year the Council had the benefit of the deans because one of their four meetings was held on a college campus and hosted by the Council of Deans; (2) SB 155 makes a seamless web. **Dr. Buchanan** submitted the seamless web always seemed to go one direction, that of schools of higher education; (3) SB 155 carried out the original intent of the Council, i.e. have everyone together in a seamless web. He said it did not; in fact, the Council was set up to provide teachers and recipients of the efforts of the certification and teacher preparation with the rules of the Board of Public Ed. That was why Council members included five practicing educators.

**Dr. Buchanan** said there were good reasons for not having a dean on the Council: (1) Deans were not some underrepresented powerless minority because they had total control over teacher preparation in Montana. He explained the teaching preparation programs were one of the few which were supervised by those not certified to be teachers; (2) A dean on the Council could be a conflict of interest because reforming, updating or changing recommendations made by the Council for teacher preparation could be a direct or indirect criticism of the deans; (3) A dean would not be an ordinary member of the Council because deans are special people who have a lot of influence.

**Dr. Buchanan** told the Committee even if they rejected everything he had said and agreed with everything the proponents had said, SB 155 should not be passed because it was not about having a dean on the Council but how he or she got there. He said there had been no organized attempt to convince the Board of Public Ed this would be a wise move. He reminded the Committee the Council was advisory and the only way to measure its effectiveness was whether the Board of Public Ed would accept the Council's recommendations, explaining at first the Board did not have much confidence in the Council but upon **Dr. Buchanan's** recommendation, the Board appointed Council members to give that confidence. The Board did just that and now the Council had a high standing with the Board; in fact, the Board would not think of considering any teacher certification or preparation matter without consulting

with the Council, and when the Council made recommendations, they were almost unanimously accepted and put into rule. **Dr. Buchanan** suggested the success of the Council was one of the reasons SB 155 was now before the Committee because in the old days it was hard to find anyone to serve and now the Board was being forced to put a dean on the Council. He said the Committee and legislature had great power to change the way the Council (CSPAC) members were appointed ("just a teacher" be the president of MEA, "just an administrator" be a member of SAM and "just a trustee" be a member of MSBA), and the arguments for doing so would be precisely the ones heard today.

**Dr. Buchanan** said SB 155 was a bad bill and begged the Committee to let the Board of Public Ed continue to appoint its own Advisory Council members because it was a system which was proven to work. However, if the Committee decided to pass SB 155, he suggested an amendment. **(EXHIBIT 2)** He asked the Committee to give SB 155 a speedy DO NOT PASS.

*{Tape: 1; Side: A; Approx. Time Count: 1:36 p.m.}*

Questions From Committee Members and Responses:

**SEN. STEVE DOHERTY** asked for clarification of the alleged fight going on. **SEN. HERTEL** said he could not answer and deferred to **Eric Feaver** who said the purpose for the Council was to deliberate and give recommendations to the Board of Public Ed on matters of teacher certification and teacher preparation, and was composed of teachers, an administrator, a district trustee member but no direct representative of a teacher preparation program who had policy-making capacity. He said he authored the original legislation in 1987, but it was opposed by the Board of Public Ed at that time also. **Mr. Feaver** explained there were more teacher preparation representatives than generic faculty members available to speak with authority as to how recommendations might be played out, should they go into effect. **Mr. Feaver** denied there was a fight, explaining there were opponents and proponents and that did not constitute a fight. He said the idea of SB 155 had been around for awhile and the Board of Public Ed had ample opportunity to discuss it.

**SEN. MIGNON WATERMAN** asked if the vote of the Board to oppose SB 155 was unanimous and **Storris Bishop** said there was never a vote taken and denied there was a meeting to discuss it; however, he had spoken to Board members individually and all were opposed to the process.

**SEN. CASEY EMERSON** asked the size of the dean pool and **Mr. Bishop** said eight or nine. **SEN. EMERSON** wondered about the size of the faculty number and **Mr. Bishop** said about 150. **SEN. EMERSON** said without the amendment, it was possible the deans would select one of their members for the Council. **Storris Bishop** said it was possible.

**SEN. DEBBIE SHEA** asked if was Board policy to not have a public hearing and **Mr. Bishop** said it was not a standard practice but during this legislative time, it was done.

**SEN. SHEA** asked if the Board had run SB 155 past the Council and **Wayne Buchanan** said he discussed it with them individually, which was commonly done during the legislative session. He said the Council thought it was inappropriate, and he agreed, for the Council to determine who its membership would be. **SEN. SHEA** asked what the Council's objection would be and **Dr. Buchanan** said he did not know; perhaps it was the Board should be free to appoint the Council members. **SEN. SHEA** referred to **Dr. Buchanan's** remarks he found it ironical that people entrusted to teach teachers were not qualified and asked its meaning. He answered by saying the preparation of teachers was firmly in the hands of academia; therefore, the deans had policy-making authority while the other Council members had none. **SEN. SHEA** commented it was a powerful tool for teachers because deans were out of the classroom mainstream and SB 155 would encourage working together. **Wayne Buchanan** said some education faculty in Montana were not certified as teachers, nor were they selected on the basis of being good teachers.

**SEN. DELWYN GAGE** said it was his opinion **Wayne Buchanan's** comments smacked of turf protection and **Dr. Buchanan** said it was probably accurate; however, the Board had been successful in having a Council it had great confidence in and it should not be the legislature who decided whether today's arguments were right or wrong, i.e. the decisions made closer to the people were the better decisions. He referred again to the "turf" issue and said it applied to both sides.

**SEN. GAGE** commented **Dr. Buchanan's** remarks about deans having total control of teacher education could be one of the best reasons for having a dean on the Council because they could find out there were people who did not like their total control. **Dr. Buchanan** said he agreed, expanding it was important the deans had input and they should come either as a Council or as individuals and he said they usually attended the Council meeting. He reminded the Committee the issue was whether the deans would be deliberating, voting members of the Council.

**SEN. GAGE** asked what kind of peer contact the deans had and **Randy Hitz** said the Montana Council of Deans

*{Tape: 1; Side: B; Approx. Time Count: 1:51 p.m.}*

met about every month. **SEN. GAGE** asked what K-12 classroom contact the deans had and **Dr. Hitz** said MSU-Bozeman had a partnership relationship with the local schools, which included placing student teachers in the schools. He said there was a 22-member committee which was consisted of teacher education faculty, teachers and school administrators and no policies on placements were made without going before that committee. **Dr.**

**Hitz** said symposiums composed of cooperating teachers (supervisors of student teachers) and K-12 faculty met regularly as peers to discuss issues relating to education. **Dr. Hitz** said he was currently co-teaching a course in early childhood education with a first grade teacher, and he was also tutoring a first grade child. He said he had published three articles with people in K-12 schools in the Bozeman area; therefore, he was getting into their world and they were getting into his, which was the necessary thing to do. He said the responsibility of higher ed was to reflect on things, do research and share the information. He commented state and national standards were beginning to require a better connection between K-12 and higher education.

**SEN. WATERMAN** remarked it was her experience teacher education changed very slowly so she deemed it valuable to have a dean to sit on the Council because it would be one more of those connections. **Dr. Ritz** said deans had responsibility for overseeing the entire program, they were in a position to communicate with the entire faculty on a campus and could also communicate with their dean colleagues on a regular basis.

**SEN. MIKE SPRAGUE** asked why the idea of SB 155 was not brought before the Board of Public Ed but to the legislature and **Dr. Hitz** said he did not know. **SEN. SPRAGUE** suggested a dean would have more power than one of the Council members because he or she would be both the cause and effect of the vote. **Dr. Hitz** said he had been both a dean and Council member at the same time and had not intimidated any member.

**SEN. SPRAGUE** asked **Dr. Buchanan** the same question and was told he had already outlined the scenario and the influence could be seen today; however, it was not necessarily intimidation but intellectual tyranny, "research", etc. He reminded **SEN. SPRAGUE** he gave good reasons for not having a dean on the Council which were equal to the ones given for having a dean.

**SEN. SPRAGUE** asked **Dr. Buchanan** to address the lack of communication and was told there was a lack of communication, including SB 155; in fact, it was his understanding the Council of Deans was critical they were not on top of things. He said there was a \$150,000 study project before the Council which was of considerable importance to the deans and he could share the views of both parties; however, the Council decided to not go along with what the deans were saying. **Dr. Buchanan** noted the immediate effective date and said the deans wanted very badly to be on the Council.

**SEN. LOREN JENKINS** commented the group of deans met regularly and the Board expressed a problem with the deans deciding who would serve on the Council. **Randy Hitz** said the deans did not get together to decide who could apply for the Council, thereby limiting the Board of Public Education's consideration. **SEN. JENKINS** said if SB 155 passed, the field would be considerably

more narrow from which to choose, and would the deans be more inclined to subtly present the choice for the Board. **Dr. Hitz** said it would not be appropriate to limit the Board of Public Ed. **SEN. JENKINS** referred to the amendment (**EXHIBIT 2**) and asked if the deans had an objection to it. **Dr. Hitz** said he could not imagine that among the eight deans, someone would not be willing to accept.

*{Tape: 1; Side: B; Approx. Time Count: 2:09 p.m.}*

Closing by Sponsor:

**SEN. JOHN HERTEL** said he thought it very valuable to have someone of a dean's caliber sit on the Council. He said he thought there was a feeling if there was a dean on the Council, total control could swing to that individual; also, having a dean on the Council could pose a conflict of interest; however, he did not agree because the makeup of the Council included five teachers. **SEN. HERTEL** said the makeup SB 155 was proposing would ensure a greater connection between policy development and delivery in teacher preparation and certification.

EXECUTIVE ACTION ON SB 198

Discussion: **Eddye McClure** referred to Amendments SB019801.ACE (**EXHIBIT 3**) and explained #1 was requested by **SEN. STEVE DOHERTY** on January 27, 1997, the day SB 198 was heard; the others were given on that day.

Motion/Vote: **SEN. MIGNON** MOVED DO PASS FOR AMENDMENTS SB0198.ACE. Motion CARRIED UNANIMOUSLY 11-0.

Motion/Vote: **SEN. DEBBIE SHEA** MOVED SB 198 DO PASS AS AMENDED Motion CARRIED UNANIMOUSLY 11-0.

EXECUTIVE ACTION ON SB 133

Motion: **SEN. DEBBIE SHEA** MOVED DO PASS ON SB 133.

Discussion: **SEN. DELWYN GAGE** said there was a bill coming which would be in the form of a Constitutional amendment which would say the legislature could not levy a tax on personal property or state-wide levies without a vote of the people. He wondered if SB 133 would conflict with it if the Constitutional amendment would pass. **Eddye McClure** commented SB 133 was statutory while the other bill was Constitutional, which would prevail.

**SEN. WILLIAM GLASER** said SB 133 had its feet in the Constitution because it was in the original. **SEN. WATERMAN** commented SB 133 had been approved by the people and all the Committee was doing was reauthorizing submitting it to the people again.



**SEN. MIKE SPRAGUE** wondered if there was significance to "shall" as opposed to "must" and **Eddye McClure** explained if it was a person, it was "shall"; if it was inanimate, it was "must."

Vote: Motion DO PASS SB 133 CARRIED UNANIMOUSLY, 11-0.

EXECUTIVE ACTION ON SB 95

Motion/Vote: SEN. DEBBIE SHEA MOVED DO PASS FOR SB 95. Motion CARRIED UNANIMOUSLY 11-0.

EXECUTIVE ACTION ON HB 25

Motion/Vote: SEN. DELWYN GAGE MOVED DO CONCUR FOR HB 25. Motion CARRIED UNANIMOUSLY 11-0. SEN. GREG JERGESON will carry HB 25.

EXECUTIVE ACTION ON SB 187

Discussion: SEN. DARYL TOEWS explained SB 187 really was two separate issues: (1) It really did not set up any student aid -- was it the wish to do something about it? (2) It was a Constitutional issue -- should something the statutes required be done?

SEN. STEVE DOHERTY asked if any amendments with coordinating language would be needed. Ron Sunstad said the account referred to in the fiscal note was one the Board of Investments used to segregate assets to earn interest, and if SB 187 passed, the Board would set up the account. It did not require any action from the Committee.

SEN. DARYL TOEWS asked if the Committee had a choice in getting the statutes cleaned up so they were in line with the Constitution. SEN. BILL GLASER said it was his opinion there was no choice in the bill; however, he wished it could put the University in a position where it had a tighter tie to the students who were promised the money for student aid. He said there were two promises in SB 187 but they were not married.

SEN. GAGE commented SB 187 was the opposite of "contingency voidness" and wondered if such a clause was needed. SEN. STEVE DOHERTY said he understood "contingency voidness" was used only when General Fund revenue was reduced, and was applicable to tax bills. SEN. GLASER said the real truth was the General Fund received money which should not have gone there; consequently, the best this Committee could hope to do was clear up the statute and get a feeling from the Regents they were going to support the student aid program.

Motion/Vote: SEN. MIGNON WATERMAN MOVED DO PASS FOR SB 187. Motion CARRIED 9-2, with SEN. GAGE and SEN. EMERSON voting NO.

ADJOURNMENT

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



SEN. DARYL TOEWS, Chairman



JANICE SOFT, Secretary

DT/JS