HOUSE JOINT RESOLUTION NO. 62

- 4/17 Introduced
- 4/17 Referred to Education & Cultural Resources
- 4/19 Hearing
- 4/20 Committee Report-Bill Do Pass
- 4/22 2nd Reading Pass
- 4/23 3rd Reading Pass

Transmitted to Senate

Died in Committee

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HOUSE JOINT RESOLUTION NO. 62 1 INTRODUCED BY Hannah Im Blass 2 Edmithe I. P. Pin counced Reak Eilerly Sands 3 A JOINT RESOLUTION OF THE SENATE AND THE 4 HOUSE OF 5 REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING ASSIGNMENT OF 6 AN INTERIM COMMITTEE TO DEVELOP RECOMMENDATIONS FOR LEGISLATIVE DETERMINATION OR OVERSIGHT 7 OF WHAT CONSTITUTES A BASIC EDUCATION. 8

9

10 WHEREAS, study of the debates of the Constitutional 11 Convention discloses that it was intended that the 12 Legislature was to be free to and expected to set up a 13 "basic system of free quality public elementary and 14 secondary" education; and

15 WHEREAS, it was further the intent of the delegates 16 that when the Legislature had determined what was to be the 17 basic education, it was free to decide what should be the 18 state's share of the cost of that education; and

19 WHEREAS, it was the intent that the state's share be 20 funded and be distributed in an equitable manner; and

21 WHEREAS, the constitutional language and debate seem to 22 suggest that a "basic quality program" should be defined by 23 a set of standards or a needs assessment and funded 24 according to the requirements of the standards or needs 25 assessment; and

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1 WHEREAS, in 1975, the Legislature delegated to the 2 Board of Public Education the power to define and specify 3 the "basic instructional program for public schools" and to 4 set forth such a program in the standards of accreditation 5 and delegated all other instructional programs to the 6 discretion of local school boards; and

7 WHEREAS, although the Board of Public Education has set 8 forth the basic program in the accreditation standards, 9 there is no formalized link between the required standards 10 and the Legislature's constitutional obligation to determine 11 the state share of the cost of a basic education program and 12 to fund it; and

WHEREAS, in each recent legislative session and in a 13 recent interim study of school finances, the question of the 14 15 linkage between funding and required program has arisen. along with the guestion of whether the Legislature 16 recognizes the Board of Public Education's standards of 17 accreditation as the "basic system of free quality public 18 elementary and secondary" education mandated by the 19 20 constitution; and 21 WHEREAS, the Legislature has not itself defined a basic

22 education or provided adequate legislative criteria and23 oversight; and

24 WHEREAS, it is imperative that the Legislature 25 seriously approach this issue and prepare itself to define

INTRODUCED BILL

what is a basic education or to accept, with adequate
 legislative criteria and oversight, the definition developed
 pursuant to delegation to the Board of Public Education and,
 in either case, determine what the state's share of the cost
 of the system is to be.

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7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE8 OF REPRESENTATIVES OF THE STATE OF MONTANA:

9 (1) That an appropriate interim committee be assigned 10 to develop recommendations for legislative determination or 11 oversight of what constitutes a basic education and methods 12 for determination of what the state's share of the cost of a 13 basic education ought to be.

14 (2) That the committee in its study:

15 (a) evaluate the intent of the constitutional 16 language;

17 (b) review existing accreditation standards and18 evaluate the cost implications of the standards;

(c) (i) consider options for legislative adoption of a
definition of a basic education; or

(ii) means for adopting specific legislative criteria
for and oversight of policies of the Board of Public
Education;

24 (d) consider how to identify the state's share of the25 basic program; and

1 (e) consider methods and advantages, if any, of

2 assigning a duty of submitting a foundation program budget

3 based on a defined program for legislative consideration.

4 (3) That the committee report its findings and

5 recommendations to the 50th Legislature.

-End-

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49th Legislature

LC 1946/01 APPROVED BY COMM. ON EDUCATION AND CULTURAL RESOURCES

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WHEREAS, study of the debates of the Constitutional 10 Convention discloses that it was intended that the 11 Legislature was to be free to and expected to set up a 12 "basic system of free quality public elementary and 13 secondary" education; and 14

WHEREAS, it was further the intent of the delegates 15 that when the Legislature had determined what was to be the 16 basic education, it was free to decide what should be the 17 state's share of the cost of that education; and 18

WHEREAS, it was the intent that the state's share be 19 funded and be distributed in an equitable manner; and 20

WHEREAS, the constitutional language and debate seem to 21 suggest that a "basic guality program" should be defined by 22 23 a set of standards or a needs assessment and funded according to the requirements of the standards or needs 24 assessment; and 25

WHEREAS, in 1975, the Legislature delegated to the 1 Board of Public Education the power to define and specify 2 the "basic instructional program for public schools" and to 3 4 set forth such a program in the standards of accreditation and delegated all other instructional programs to the 5 discretion of local school boards: and 6 WHEREAS, although the Board of Public Education has set 7 8 forth the basic program in the accreditation standards, there is no formalized link between the required standards 9 and the Legislature's constitutional obligation to determine ٦٥ 11 the state share of the cost of a basic education program and to fund it: and

WHEREAS, in each recent legislative session and in a 13 recent interim study of school finances, the question of the 14 linkage between funding and required program has arisen, 15 along with the question of whether the Legislature 16 recognizes the Board of Public Education's standards of 17 18 accreditation as the "basic system of free quality public elementary and secondary" education mandated by the 19 constitution; and 20

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WHEREAS, the Legislature has not itself defined a basic 21 22 education or provided adequate legislative criteria and 23 oversight; and

24 WHEREAS, it is imperative that the Legislature seriously approach this issue and prepare itself to define 25

SECOND READING -2-HTR 62



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 legislative criteria and oversight, the definition developed
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(e) consider methods and advantages, if any, of
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4 (3) That the committee report its findings and

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recent interim study of school finances, the question of the linkage between funding and required program has arisen, along with the question of whether the Legislature recognizes the Board of Public Education's standards of accreditation as the "basic system of free quality public elementary and secondary" education mandated by the constitution; and WHEREAS, the Legislature has not itself defined a basic

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