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### Minutes of the fourth meeting of the Education and Public Lands Committee

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EDUCATION AND PUBLIC LANDS COMMITTEE

Place of Meeting 436

Date Meeting Held: 1/20/72  
Hour Meeting Held: 10:10 A.M.

Committee Chairman: Richard Champoux

MINUTES OF THE FOURTH MEETING OF THE EDUCATION AND PUBLIC LANDS COMMITTEE

SUBJECT OF MEETING: Procedural

Roll Call:

Richard Champoux	<u>Present</u>
Robert Noble	<u>Present</u>
Lloyd Barnard	<u>Present</u>
William Burkhardt	<u>Present</u>
Marjorie Cain	<u>Present</u>
Max Conover	<u>Present</u>
Carl Davis	<u>Present</u>
Gene Harbaugh	<u>Present</u>
Dan Harrington	<u>Present</u>
Robert Woodmansey	<u>Absent</u>

DISCUSSION:

The meeting was called to order by Chairman Champoux.

The overview was the first topic of business. In looking at the agenda on the overview, the chairman said that the major topics will be broken down to include other areas. He asked if any major category had been left out. The committee felt that there had not been. Sub-topics to put under each category was discussed. The Committee suggested names to be notified of the special hearings.

It was decided that joint meetings would be needed with the following committees: Bill of Rights - Executive - Taxation - Local Government and Natural Resources. This concluded discussion on the overview.

The Chairman stated that he had checked into the budget for the Committee and found that there was none.

Next, letters to the committee were discussed. The letters will be filed in the committee room so that any member of the committee can read them and they will be categorized according to subject. Correspondence

received by members of the committee can also be filed in the committee room. It was the consensus of the committee that the letters should be kept in the committee room at all time and should be kept secured.

Mr. Harbaugh gave a talk on the Implications of Serrano v. Priest As Related to Montana's Education Article. A copy of which is attached to these minutes.

The meeting was recessed until 1:30 p.m.

The meeting was resumed with the following members present: Champoux, Noble, Barnard, Burkhardt, Cain, Conover, Davis, Harbaugh and Harrington.

Mr. Harbaugh finished his talk on the Serrano Case.

Mrs. Cain was then called on to give her workup on the November Conference on Education, which follows.

After an introduction by Dolores Colburg, Mr. Earl Fellbaum, MSU Professor, outlined the present constitutional provisions for Education. He gave a good run-down of the Public Lands funds. He covered some of the history of the Montana Trust and Legacy Fund. He touched on the I & I fund and its position in the Montana School Foundation Fund Formula. He spoke of the two earmarked sources of funds.

Then the speakers who represented the various organizations interested in education spoke briefly of their concerns with issues regarding Education and the Constitution.

Mr. Earl Sager from the Montana Federation of Teachers spoke next. His suggestions were two boards of education, one for Common Schools and one for past secondary. The Common Board to be elected. He insisted that the State Superintendent be elected with clearly defined duties, lower the age limit to 5 years, and that every effort be made to protect the I & I money.

Dr. Allen Pope, Carroll College, requested consideration of change in the language of Article 11, section 8, and that we consider a statement more like the U.S. Constitution. He implied that private schools were excluded from sharing Federal grants by the restrictive language of the present section.

Mrs. Shirley Moses spoke for the PTA and posed several questions to consider. (1) There are a greater number of school sections in Eastern Montana than in Western Montana (2) Should or could the money derived from leases be increased? (3) Should or could there be open bidding for leases every other year? She also felt there was a need for two boards, removal of the age limitations and perhaps a more liberal consideration of private aid.

Chadwick Smith, Montana School Boards Association, outlined the resolutions passed by the association, that each member of this committee received.

Dr. Furdell, College of Great Falls, took the same position as Dr. Pope.

Donald Hovland, Montana Association of Student Councils. His statements were: (1) full rights to 18 year olds (2) a student member voting on the Board of Education (3) Superintendent of Schools appointed by the Governor (4) four drug education centers established in geographically accessible places (5) annual meetings of the legislature (6) protection for school administrators so that confidential information can be withheld from parents.

Mr. Jovak, MSU Student Body Vice President. He felt (1) need for two boards (2) the Board of Regents be given authority to levy taxes (3) removal of the upper age limit (4) private schools be given consideration in Federal money (5) the students views are quelled by the way their fees are used.

Maurice Hickey, Montana Education Association stated (1) no aid to private schools (2) retain earmarked money (3) I & I money the same handling (4) elected state school officials (5) State Land Board supervise investment of school funds (6) County Superintendent of Schools remain a constitutional officer (7) lengthen legislative session (8) article 11, section 10 to be left as is.

Dolores Colburg, Office of Superintendent of Public Instruction. Her main points were (1) don't change for change sake (2) take seriously the effect of the California decision on funding (3) be sure that our concern is for youth (4) see that the document guarantees support for the above.

Dr. Wenaas, Montana Association of School Administrators. He said there were five resolutions passed by their group. (1) keep local control of the five post secondary technical centers (2) opposed to the change of a single word of the earmarked funds (3) don't diminish the trust setup (4) remove the superintendent of public instruction from election.

Harriet Malloy, State Board of Education, stated that the future of Montana is tied to Montana's youth and Montana's youth depend upon education for preparation. Importance of education articles was stressed. She said the two hats that the Board wears creates difficulties. Less than 5% of their time is spent on elementary and secondary education. There needs to be a clarification of the duties and relationship of the Board and the Superintendent of Public Instruction. The Lay Board needs a strengthening of their authority. In Section 6 of Article 11 omit the specific age limit.

Mr. John Sheehy, member of the Board of Directors and Legal Council for the Montana Catholic Conference. He stated that there was a right to practice religion of choice and of the right of parents to choose the school. He asked that we adopt wording of the U.S. provision, and to remove Section 8, Article 11.

Mr. Arthur Hart, Division of Vocational Rehabilitation asked that we consider the needs of vocational training, counseling needs and safeguards for sight and hearing. He asked for a constitutional guarantee for the needs of those with disabilities.

Ed Nelson, University Systems. He gave a statement on the framework of the law and of the corporation. He said students have a right to be protected from politics.

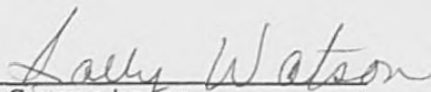
Senator Cotton and Representative Warfield's speeches are on tape and will be transcribed to be handed out to members of the committee.

This concluded Mrs. Cain's presentation.

The tentative agenda was the last topic of discussion. Mr. Sievers went through the schedule he had worked out. A few changes were made by committee members.

The meeting was then adjourned.

  
Chairman

  
Secretary.