

MINUTES OF THE MEETING
EDUCATION COMMITTEE
MONTANA STATE SENATE

March 15, 1977

The twenty-sixth meeting of the Senate Education Committee was called to order by Senator Chet Blaylock, Chairman, on the above date, in Room 402 of the State Capitol Building, at 11:00 O'clock A.M.

ROLL CALL: All members of the Committee were present.

The Chairman announced this would be an Executive Session, to take care of the bills that were laying in the committee.

DISPOSITION OF HOUSE BILL NO. 443: Senator Blaylock explained this was the bill to give non-tenured teachers the right of a written statement of reasons for non-renewal of their contracts, within ten days of their request for such a statement from School Boards, and called for a discussion. Senator Smith commented this could be detrimental to both the school board and the teacher requesting such specific statement. Senator Blaylock explained that the reasons for non-renewal of contract were not going to be put down on the teacher's record, unless the teacher requested the statement. If the reasons were put down that a teacher couldn't get along, or couldn't handle the job, or the students, the School Board could still be taken to court; but, that could be taken as a defense in a lawsuit. Senator McCallum asked if there would be any other reasons given for non-renewal of the teacher contract, that couldn't bring on a lawsuit, other than that which was presently being used, of "They could find a better teacher for the money." Senator Blaylock stated that if there was a morals charge brought against a teacher, as a reason for termination, and if that teacher wants to go to court on it, they should have that right, as any other individual; but, proving intention would be a much more difficult thing to do. He further stated that the problem seemed to be in the evaluation reports given to the teacher during the school year, by the administrators, that the teacher was doing good work and acceptable in all manner to the school; and then, at the end of the year, the teacher is not re-hired and he has no certain idea, or reason why his termination occurred. Senator Warden commented that she felt this type of statement, for a teacher just starting out, would be very helpful, if in that way, he could find out where his bad points were, and make corrections. Senator Smith felt that if the teacher wanted to request a hearing, teachers could do so now, before the board. In this way, it would be able to give verbal advice, if that was what the teacher was looking for.

Senator Bill Thomas moved that House Bill No. 433 Be Concurred In. Motion was seconded and on roll call vote, was tied: With Senators Blaylock, Dunkle, Fasbender, Thomas and Warden voting Yes; and with Senators Smith, McCallum, Mathers, Murray and Boylan voting No.

The Chair stated that this Bill would be reported out of Committee WITHOUT RECOMMENDATION.

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FURTHER CONSIDERATION OF HOUSE BILL No. 69: Chairman Blaylock stated the Committee had now held two full hearings on this matter and felt everything had been said.

Senator Warden moved that House Bill 69 BE CONCURRED IN.

Senator McCallum made a substitute motion that House Bill 69 BE NOT CONCURRED IN; this motion was seconded and carried by majority vote, with Senators Mathers, Fasbender, Thomas and Warden voting "no".

Sen. McCallum requested the Committee to sponsor a committee bill to ask the legislature to approve a resolution to place this matter on the ballot in 1978 on the question of either abolishing the State Superintendent or the Board of Public Education as he felt this same argument would continue happening and it was too important to let go.

Sen. Blaylock stated in order to get this done, it would take a 2/3rds agreement of the Senate since it would be a proposed amendment to the Constitution; rather than entertain Sen. McCallum's motion at this time, we should find out the proper procedure first.

Sen. Thomas made a motion that the Superintendent be the sole administrative agent for the vocational education in the State of Montana and amend the Bill in the appropriate places to make this possible as the vo ed program now is so fragmented it is detrimental to the students.

Chairman Blaylock stated this almost makes the opposite of the intent of the Bill and ruled Sen. Thomas out of order, that the Bill would have to be brought out on the floor.

Senator Dunkle reminded the Committee the Bill had just been not concurred in, so couldn't be amended.

Rep. J. Gunderson stated he thought it was within the title of the Bill; that this should be done as it should be one way or another.

Sen. Dunkle moved this Committee reconsider the action just taken and made the motion for the reason of putting the Bill back in Committee for consideration of several motions.

Sen. McCallum asked for further explanation from Sen. Thomas of his suggestion,^{to} which he responded he thought most of the Bill could be

deleted and a paragraph added where sole administrative responsibility would be in the Superintendent and all authority and responsibility for performance would be in the Superintendent also.

Sen. Blaylock asked how would you get around the Constitution of the State which sets the policy for all education in the Board of Public Education.

Sen. Thomas stated because of the fragmentation, it wasn't working now; none of the areas are defined within the Constitution as to the local boards, the Board of Public Education or the State Superintendent, and thought the final authority could rest with the OSPI.

John Bobinski, staff counsel, stated he did not think the Bill could be amended to do this or that it would be constitutional.

Rep. Gunderson said under the Constitution, the Board of Education has general supervision; going through the Bill and replacing the Board with the OSPI might be possible and he wants one or the other agency entirely and would prefer it be turned over to the State Superintendent than left the way it is now.

Sen. McCallum asked Rep. Gunderson how he would feel about a constitutional amendment, to which Rep. Gunderson replied this controversy should be resolved and the people should decide the issue.

Sen. Murray, in reading a portion of the 1972 Constitution of Montana, Art. X, Sec. 9. Boards of education. "Sub. (3) (a) There is a board of public education to exercise general supervision over the public school system and such other public educational institutions as may be assigned by law. Other duties of the board shall be provided by law." stated vo ed must have been assigned by law somewhere.

Sen. Warden stated that when the vo ed program first started out, they didn't have the money to worry about, so it was left flexible.

Sen. Blaylock felt they should give the new Superintendent a chance to work things out, but if there wasn't better cooperation, this would be the first order of business next time.

Senators Mathers and Fasbender, who had been attending another meeting, came into the Committee and the previous action was explained to them.

Sen. Mathers thought if they didn't move to reconsider, the intent of the Bill could not be changed.

Sen. Fasbender stated he didn't object to reconsider to keep the Bill alive, but advocated the Priority Committee should make a

study, going beyond eliminating one or the other and would like a Committee resolution to that end.

The Chair asked if the Senator was proposing that this Bill lie in the Committee.

Sen. Warden responded that when she had sponsored previous legislation, there was no accounting for money and as the Board of Education didn't have any responsible person, it would be another two years. That they were not doing a job either at the local level or in the districts around the State as unless you have an accounting for money, you don't know what's happening and would be in favor of keeping the Bill alive.

Sen. Smith disagreed with the statement that educational systems were not doing a good job.

Sen. Dunkle questioned if he withdrew his motion, it would mean the Bill would go down on the board and could be discussed on the floor, to which Sen. Mathers replied in the affirmative.

Sen. Dunkle then called for the question; his motion to reconsider previous action carried by majority vote, with Senators Blaylock and Smith voting "no".

Sen. Mathers advised the Committee that if his Senate Bill 138 failed to pass in the House, he would make a motion to take this Bill out of Committee and put it on the floor as he felt the Board of Public Education did need an administrator.

Sen. Blaylock asked if it was the desire of the Committee to leave the Bill right here.

Sen. McCallum made a motion that House Bill 69 be laid on the table.

Sen. Blaylock stated the Bill would be left in the Committee.

Sen. Smith said if Sen. Mathers' bill did not pass, he intended to ask to take this one out of the Committee.

Sen. McCallum restated his motion, which, on voting, carried unanimously.

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FURTHER CONSIDERATION OF HOUSE BILL NO. 239: The Chairman announced he had asked Chad Smith, who appeared on behalf of the Montana School boards Association, to go through the amendments he proposed. Mr. Smith stated that the language on Page 4, Line 5, of the bill, where it says, "reasonable assurance," and refers to non professional individuals, such as food service personnel, mechanics, bus drivers; that he prefers that language be replaced with, "written assurance." He advocates a person should have written assurance of re-employment, or be entitled to unemployment benefits during the time he is not employed, and believes that that would comply with the Employment Security Division's mandatory legislation.

Pat McKittrick, representing the Teamsters, suggested that the mandatory legislation, in order to function under the Federal government requirements, relates only to non-academic personnel and private colleges and his amendment complies with the Federal mandate and deletes from the bill, anything as it pertains to non-academic people. They do address themselves to what "reasonable assurance" means, and he added a statement explaining whether the definition in the Federal law, which says: "reasonable assurance," means a written agreement, so this will comply and not go beyond what is intended in the bill by "written assurance."

Harold Kansier, from the Employment Security Division, stated that they were just interested in complying with Federal requirements, and explained that this bill was originally written to include all school employees; because the Department felt that it would be easier to administer.

Discussion then centered on the school districts having to pay in, on a dollar for dollar basis, for employment security, while other businesses pay in on a rate system; eligibility status and qualifications to receive benefits, as they pertain to school employees and professional personnel, such as teachers, was also discussed.

Senator Murray thought there was a substantial conflict between the two amendments proposed by Mr. McKittrick and Mr. Smith, and felt that they should minimize the confusion on the two, by a compromise.

Mr. Smith further explained his views about amending the bill back to where it applies to non-professional personnel, stating that Paragraph 4, would then, have no meaning, as it will relate to teachers who have a written contract. Further stating, that if the school is forced to offer written contracts, it would change the employee status.

The Chairman, then stated that he didn't think they could come to an agreement until the amendments were further worked out, and that without objection, they PASSED CONSIDERATION of House Bill 239, for the day.

FURTHER CONSIDERATION OF HOUSE BILL NO. 147: The March 8th amendments were explained by Committee Counsel, John Bobinski. Larry Heuss, Attorney, representing, D. A. Davidson, & Co, explained that the amendments previously submitted by them, pertained to community colleges, and felt that it would be necessary, in order for the colleges to be financed under Industrial Revenue Bonds according to their new regulations.

Senator Mathers expressed concern about submitting new regulations. Senator Matehrs expressed concern about submitting taxpayers to a 99-year term, on something so important, such as leasing land, or buildings, without a vote.

Senator George McCallum Moved that House Bill No. 147 PASS CONSIDERATION; his Motion was carried by unanimous vote.

Adjournment: There being no further business, the meeting adjourned at 12:30 P.M.



Chet Blaylock, Chairman

EDUCATION COMMITTEE

Date March 15, 1977

[illegible]

SENATE

Education

COMMITTEE

BILL

Special Session

VISITORS' REGISTER

DATE

March 15, 1977

Please note bill no.

(check one)

NAME

REPRESENTING

BILL #

SUPPORT

OPPOSE

<u>Family Western</u>	<u>BP Ed Research Project</u>	<u>HB 69</u>	<u>-</u>	
<u>Sid Woldtrich</u>	<u>Employment Security</u>	<u>HB 239</u>	<u>-</u>	
<u>Maureen Buchanan</u>	<u>Montana School Boards Assn</u>	<u>443, 69, 239</u> <u>114</u>		
<u>T. Earl Johnson</u>	<u>SAM</u>	<u>443-69</u> <u>239-119</u>		
<u>Pat McKittrick</u>	<u>B.C.H. 21, Teamsters</u>	<u>113</u> <u>239</u>		
<u>Larry Meyer</u>	<u>Retail Clerks Union</u>	<u>HB</u> <u>239</u>	<u>Amend</u>	
<u>V. E. W. Reinhardt</u>	<u>RETAIL CLERKS UNION</u>	<u>HB</u> <u>239</u>	<u>Amend</u>	
<u>Virgil Butcher</u>	<u>Teamsters Union #53</u>	<u>HB</u> <u>239</u>	<u>Amend</u>	
<u>Chas Smith</u>	<u>Mont Sch Bds Assn</u>	<u>239</u>	<u>Amend</u>	
<u>Neil Keel</u>	<u>-</u>	<u>69</u>		
<u>J. E. Rossum</u>	<u>Teamsters Union</u>	<u>239</u>	<u>Amend</u>	
<u>Jim Murry</u>	<u>Mont. State AFL-CIO</u>	<u>HB 239</u>	<u>Amend</u>	
<u>S. E. Wagner</u>	<u>Office of Public Instruction</u>	<u>HB 69</u>	<u>Information</u>	
<u>Blake Waddal</u>	<u>Governor Judge</u>	<u>HB 69</u>	<u>✓</u>	
<u>Larry Johnson</u>	<u>OPI</u>	<u>HB 69</u>	<u>Information</u>	
<u>Maureen Hickey</u>	<u>Mont Ed Assn</u>	<u>443</u>	<u>✓</u>	
<u>Lane Downey</u>	<u>Missoula Technical Center</u>	<u>HB 69</u>	<u>✓</u>	
<u>Robert Logan</u>	<u>Mont Falls Jo. Tech</u>	<u>69</u>	<u>✓</u>	
<u>Robert Perrier</u>	<u>Missoula Technical Center</u>	<u>HB 69</u>	<u>✓</u>	
<u>David Sexton</u>	<u>Montana Educ Assn</u>	<u>HB 443</u>	<u>X</u>	
<u>Erin O'Leary</u>	<u>Standard in Ed-</u>	<u>HB 69</u>	<u>✓</u>	
<u>Maureen Hickey</u>	<u>Bd of Pub Ed</u>	<u>HB 69</u>	<u>✓</u>	
<u>Rep Jack Henderson</u>	<u>Dist 35</u>	<u>HB 69</u>	<u>✓</u>	
<u>Larry Meyer</u>	<u>P. P. E</u>	<u>HB 69</u>	<u>✓</u>	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

COMMITTEE

BILL

VISITORS' REGISTER

DATE 2-2-68

Please note bill no.

(check one)

NAME _____

REPRESENTING

BILL #

SUPPORT

OPPOSE

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

LEGISLATIVE COMMITTEE EDUCATION

Date March 15, 1977 House Bill No. 443 Time 9:16

NAME	YES	NO
Senator Chet Blaylock, Chairman	✓	
Senator Ed Smith, Vice Chairman		✓
Senator George McCallum		✓
Senator Bill Mathers		✓
Senator William E. Murray		✓
Senator Frank Dunkle	✓	
Senator Paul Boylan		✓
Senator Larry Fasbender	✓	
Senator Bill Thomas	✓	
Senator Margaret Warden	✓	

Jennie Lind
Secretary

Chet Blaylock
Chairman

Motion: Motion was made by Senator Bill Thomas that House Bill No. 443 DO PASS; motion was seconded and on vote was tied, with Senators Blaylock, Dunkle, Fasbender, Thomas & Warden voting "Yes", and Senators Smith, McCallum, Mathers, Murray & Boylan voting "No".
The Bill will be reported out WITHOUT RECOMMENDATION.
(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

..... March 15 1977

MR. President.....

We, your committee on EDUCATION

having had under consideration HOUSE Bill No. 443,

Respectfully report as follows: That..... HOUSE Bill No. 443,

Third Reading,

Nancy

~~REMARK~~

WITHOUT RECOMMENDATION

SENATE COMMITTEE EDUCATION

March 15
Date February 15, 1977 HOUSE Bill No. 69 Time 9:10 - 12:00

NAME	YES	NO
Senator Chet Blaylock, Chairman	✓	
Senator Ed Smith, Vice Chairman	✓	
Senator George McCallum	✓	
Senator Bill Mathers		✓
Senator William E. Murray	✓	
Senator Frank Dunkle	✓	
Senator Paul Boylan	✓	
Senator Larry Fasbender		✓
Senator Bill Thomas		✓
Senator Margaret Warden		✓

Jennie Lind
Secretary

Chet Blaylock
Chairman

Motion: Senator George McCallum made a motion that House Bill
No. 69 BE NOT CONCURRED IN; motion seconded and carried by
majority vote, with Senators Mathers, Fasbender, Thomas and
Warden voting "No". */3-15-77 Reconsidered*

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE EDUCATION

Date March 15-77 House Bill No. 69 Time _____

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March

NAME	YES	NO
Senator Chet Blaylock, Chairman		✓
Senator Ed Smith, Vice Chairman		✓
Senator George McCallum	✓	
Senator Bill Mathers	✓	
Senator William E. Murray	✓	
Senator Frank Dunkle	✓	
Senator Paul Boylan	✓	
Senator Larry Fasbender	✓	
Senator Bill Thomas	✓	
Senator Margaret Warden	✓	

Jennie Lind
Secretary

Chet Blaylock
Chairman

Motion: Senator Frank Dunkle moved that the Committee reconsider its action in adopting the adverse committee report; ^{on House Bill No. 69} the motion carried by majority vote, with Senators Blaylock and Smith voting "No".

House Bill No. 69 is to remain in Committee pending reconsideration.
(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE EDUCATION

3

Date March 15-77 House Bill No. 69 Time 2:10 P L

NAME	YES	NO
Senator Chet Blaylock, Chairman	✓	
Senator Ed Smith, Vice Chairman	✓	
Senator George McCallum	✓	
Senator Bill Mathers	✓	
Senator William E. Murray	✓	
Senator Frank Dunkle	✓	
Senator Paul Boylan	✓	
Senator Larry Fasbender	✓	
Senator Bill Thomas	✓	
Senator Margaret Warden	✓	

Jennie Lind
Secretary

Chet Blaylock
Chairman

Motion: Senator George McCallum moved that House Bill No. 69 BE LAID
ON THE TABLE; motion was seconded and carried by unanimous vote.

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE EDUCATION

Date March 15 - 77 House Bill No. 147 Time 2:15 PM

NAME	YES	NO
Senator Chet Blaylock, Chairman	✓	
Senator Ed Smith, Vice Chairman	✓	
Senator George McCallum	✓	
Senator Bill Mathers	✓	
Senator William E. Murray	✓	
Senator Frank Dunkle	✓	
Senator Paul Boylan	✓	
Senator Larry Fasbender	✓	
Senator Bill Thomas	✓	
Senator Margaret Warden	✓	

Jennie Lind
Secretary

Chet Blaylock
Chairman

Motion: Senator George McCallum moved that House Bill No. 147

PASS CONSIDERATION; motion was seconded and carried unanimously.

(include enough information on motion--put with yellow copy of committee report.)