

State of Montana  
46th Legislative Session

EDUCATION COMMITTEE

Minutes of Meeting

A meeting of the Education Committee of the House of Representatives was called to order at 12:30 p.m. on February 5, 1979 in Room 5 of the Capitol Annex, by Chairman Peter J. Gilligan.

The roll was taken and shows Representatives Eudaily, Nordtvedt, and Lory excused. All other committee members were present.

The purpose of this meeting was to hear House Bills 209, 473, and 296.

Chairman Gilligan asked Representative Kessler to explain to the committee HB 272 (an act to provide a statement and hearing before the board of trustees for termination of a non-tenure school teacher; amending section 20-4-206, MCA). Rep. Kessler described a common practice in Montana in which a school board terminates a non-tenure teacher, telling the teacher the reason for his termination is that they could find a better teacher for the money which would be spent. Rep. Kessler feels that this is not fair to the teachers and asked for the committee's support of the bill.

There were no other proponents of HB 272 present.

OPPONENTS of HB 272 were:

Chad H. Smith, Montana School Boards Assn., P.O. Box 604, Helena, Mt. - Mr. Smith stated, "This bill would destroy any effective teacher selection system and would seriously deteriorate the calibre of public school teaching staffs as the years progress. The continual strife between teachers and school trustees in the struggle for management of the school district should not be allowed to reduce the quality of education offered to Montana's children. Our public schools are created for our children, not for our teachers. The children are often the forgotten individuals in the battle. Montana's school teachers already have a tenure security system that virtually guarantees continued employment until age 65 when the fourth consecutive annual contract is signed...." (See Exhibit 1 for complete written testimony)

Phil Campbell, Montana Education Association, 1232 E. Sixth Ave., Helena, Mt. - Mr. Campbell presented the committee with copies of letters received by teachers from school boards dismissing the teachers for the reason "the board feels that a better teacher can be found to fill your position". Mr. Campbell feels that this is insufficient reason for dismissal and that the teacher should have the option to request a hearing if he so desires. (See Exhibit 2)

Shauna Thomas, P.O. Box 1246, Helena, Mt. - (Representing the Montana Federation of Teachers, AFT, AFL-CIO) Ms. Thomas spoke briefly in support of HB 272. (See Exhibit 3)

T. C. Johnson, School Administrators, Helena, Mt. - Mr. Johnson stated, "The School Administrators of Montana has opposed legislation in prior sessions. The Association feels that through the teacher evaluation process the teacher has a knowledge of their performance as to what is being done right and also those areas that need improvement. The Association in opposing this bill uses the same reasoning as given by Mr. Smith in previous testimony." (See Exhibit 4)

Representative Kessler, in closing, stated that he feels this legislation is necessary as it allows for a teacher to make the choice of whether he will request a hearing with the board of trustees to find the specific reasons why he is not getting his contract renewed, or to accept the reason commonly given that they could find a better teacher to fill the position.

The committee was allowed to question the witnesses and the hearing on HB 272 was closed.

Representative Jonas Rosenthal was requested to explain to the committee HB 473. Rep. Rosenthal, chief sponsor of HB 473 (an act to change the residency status of military personnel, their spouses, and their dependent children for purposes of in-state tuition for postsecondary vocational and technical education and for the university system) told the committee that 36 other states currently allow this. A letter from Georgia Ruth Rice, Supt. of Public Instruction, was passed-out to the committee members. (See Exhibit 5) The letter states, "From the above figures, we can deduct that HB 473 would have no significant fiscal effect on the postsecondary vocational technical center budgets..."

There were no further proponents or opponents of the bill present. The committee was allowed to ask Rep. Rosenthal questions concerning the bill and the hearing on HB 473 was closed.

Representative Lund was asked to begin the hearing on HB 209 (an act authorizing the Board of Public Education to accredit nonpublic secondary schools).

Proponents of HB 209 were:

John Frankino, Montana Catholic Conference, Helena, Mt. Mr. Frankino briefly spoke in support of HB 209 and introduced following witnesses. (See Exhibit 6)

Sister Marie Damian, Montana Catholic Confernece, Helena, Mt. - "HB 209 would grant the Bd. of Public Education authority to accredit those non-public secondary schools who request and wish accreditation. It does not place upon the non-public secondary school the requirement of seeking accreditation. (See Exhibit 7 for complete written testimony)

Ron Russell, 2809 Secor, Bozeman, Mt. - (Montana Conference of Seventh-Day Adventists) - Mr. Russell stated that he supported this bill for the same reasons as those who spoke before him. (See Exhibit 8)

Bob Korthais, Rt. 1, Box 147, Manhattan, Mt. - (Representing Manhattan Christian School Society) - Mr. Korthais spoke very briefly saying that Sister Marie Damien represented the Manhattan Christian School Society position. (See Exhibit 9)

Sister Mary Brown, 1818 8th Ave. S., Great Falls, Mt. - (Representing Diocese of Eastern Montana-22 schools) - Sister Brown stated, "Catholic Schools in Eastern Montana have a history of cooperation with the public schools and Office of Public Instruction. Three high schools and two Jr. Highs have been negatively affected by the accreditation dilemma. HB 209 resolves our problem regarding mutual cooperation between our Catholic schools and the public school system." (See Exhibit 10)

Alve Thomas, Office of Public Instruction, Helena, Mt. - "The OPI supports the bill to give private high schools the opportunity to apply to the Board of Public Education for accreditation." (See Exhibit 11)

Irving Dayton, Deputy Commissioner for Academic Affairs, Commission of High Education, 33 S. Last Chance Gulch, Helena, Mt. - Mr. Dayton briefly stated his support for HB 209.

Dave Sexton, Montana Education Association, 1232 E. Sixth Ave., Helena, Mt. - Mr. Sexton stated that the MEA endorses this bill.

Rick Reese, Assistant to the Board, Board of Public Education, 33 S. Last Chance Gulch, Helena, Mt. - Mr. Reese expressed the Board of Public Education's support for this bill. (See Exhibit 12)

Leonard Sargent, 501 N. Sanders, Helena, Mt. - (Mr. Sargent is the Executive Director, Montana School Boards Association)- The MSBA supports this bill because it will allow students from all schools to participate in inter-scholastic events.

Opponents to HB 209 were:

Earl B. Wise, 2227 Stillwater Dr., Billings, Mt. - (Representing Billings Baptist Temple, Montana Association of Christian Schools, Accelerated Christian Education, Inc.) Rev. Wise stated, "I oppose the principle of this bill only. I hope to discourage further legislation in this area...Private schools are well known for their quality education. Parents do not pay hard earned money for inferior education." (See Exhibit 13)

Rev. R.A. Dion, 4417 3rd Ave. N., Great Falls, Mt. - (Representing the Treasure State Academy, Fairview Baptist Church, and President of Montana Association for Christian Schools)  
Rev. Dion stated, "Being firmly convicted to the position of separation of Church and State, it is my conviction that accreditation by the Montana High School Association opposes the position of Separation of Church and state."  
(See Exhibit 14)

Pastor Albert Pearson, 1814 Missoula Ave., Helena, Mt. - (Representing Bible Baptist Church and Helena Christian Academy)  
Pastor Pearson expressed his opinion, "...that this legislation is only the beginning of more severe legislation which will follow. A private school is part of our church and should be protected by the separation of church and state."  
(For complete written testimony, See Exhibit 15)

Testimony was also received from the following, who were not allowed by time to present oral testimony.

Martin Cervantes, P.O. Box 743, Bozeman, Mt. - Representing Montana Conference of Seventh Day Adventists. (See Exhibit 16)

Vern Biloff, Rt. 2, P.O. Box 168, Bozeman, Mt. - Representing Montana Conference of Seventh Day Adventists. (See Exhibit 17)

Kathleen Dion, 4417 3rd Ave. N., Great Falls, Mt. - Representing Treasure State Academy and the Fairview Baptist Church.  
(See Exhibit 18)

Rev. John J. McCoy, 9 S. Idaho, Butte, Mt. - (Representing the Diocese of Helena, Dept. of Education.) (See Exhibit 19)

The committee was allowed to question the witnesses. The hearing on HB 209 was closed. Chairman Gilligan requested Representative Lund to explain HB 296 to the committee. Rep. Lund, sponsor of HB 296, (an act to clarify residency requirements concerning special education and to clearly fix the financial responsibility for special education costs) briefly told the committee the history and need for this bill.

Proponents of HB 296 were:


Leonard Sargent, 501 N. Sanders, Helena, Mt. - (Mr. Sargent is the Executive Director, Montana School Boards Association)-  
Mr. Sargent expressed the MSBA support for this bill.

Alve Thomas, Office of Public Instruction, Helena, Mt.-  
Mr. Thomas stated, "We support the bill which will allow a school district to use 874 monies without a vote. It brings state law in compliance with federal regulations."  
(See Exhibit 11)

There were no opponents of HB 296 present. The committee was allowed to question the witnesses. The hearing on HB 296 was closed.

The meeting adjourned at 2:05 p.m.

Respectfully submitted,

  
Peter J. Gilligan, Chairman

MJW

Sub-Committee Meeting on House Bill 105

Education Committee

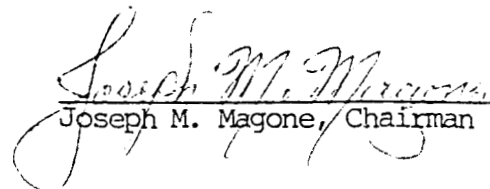
February 2, 1979 - 11:00 a.m. - Room 5, Capitol Annex

Chairman Magone announced to sub-committee members Representative Burnett, sponsor of HB 105, would appreciate the sub-committee postponing action until further testimony from individuals could be presented to the sub-committee.

In accordance with Representative Burnett's request, the action of the Sub-Committee on HB 105 was postponed.

The meeting adjourned at 11:15 a.m.

Respectfully submitted,

  
Joseph M. Magone, Chairman