

MINUTES OF THE MEETING OF THE HOUSE EDUCATION COMMITTEE  
January 14, 1981

The Education Committee met at 12:30 p.m. on January 14, 1981, in Room 129 of the State Capitol, with Chairman Ralph Eudaily presiding and all members present except for Representatives Azzara and Teague who were excused.

Chairman Eudaily opened the meeting to a hearing on the following bills: House Bills 135 and 137. Chairman Eudaily had Vice-Chairman Anderson assume the chair for the hearing on House Bill 137.

HOUSE BILL 137

REPRESENTATIVE RALPH EUDAILY, District 100, chief sponsor, said he sponsored the bill due to the decline in interest in teacher association meetings. He said statistics gathered showed that of MEA's 6500 members only about 1000 to 2500 attend their annual convention - about 15.38 to 38.6%. He mentioned that most of the schools (430) claim 2 PIR (pupil instruction related) days for teacher association conventions. He questioned if the percentage of teachers attending conventions seemed in portion to the number of schools getting money for releasing teachers. He said this bill does not reduce PIR days. He said the second part of the bill would repeal Section 20-4-304. (Rep. Eudaily read this section from the code book.) He said this permits a teacher to do teacher related work at the school if he elects not to go to the convention, while still receiving the same pay. Rep. Eudaily pointed out that education costs about 177 million; and when divided by the total days, this comes out to about \$946,000 a day - a high cost to have teachers just sit. Rep. Eudaily said Section 20-4-304 hasn't always been in the law and he felt the passage of this law is what started the downfall of the conventions. He said the conventions help teachers to become better at their trade and if teachers were attending the conventions he would not tamper with this law.

WAYNE BUCHANAN, Montana School Board Association, spoke in support. He said a number of school districts have moved away from having these days as PIR days and have them as vacation days instead. He felt there had been wide spread abuse of these days. He said only 16% of the teachers in the state actually attend one of the two main teacher conventions and this doesn't justify the cost. He said since the convention coincides with hunting season, a number of convention goers just attend a few meetings and then go hunting. He urged support of the bill.

Opponents

JIM MCGARVEY, AFL-CIO, said the hunting season has started the Sunday after the Thursday and Friday of the convention in eight of the past nine years. He mentioned that at the time of the main conventions there might be 12 to 15 small, specialized conventions going on. He said this is not a legislative matter

but a union one and should be handled through their officers. He didn't feel a law should be changed to take care of isolated cases. He urged defeat of the bill.

NANCY WALTER, MEA, said she was a veteran classroom teacher of fifteen years and a veteran convention goer and planner. She felt conventions are very beneficial for all teachers attending because of the learning from the experts and the sharing with other teachers. She said a dozen or more specialized conventions are held simultaneously with MFT and MEA conventions. Following is a list with number attending: Music - 350; Association of Teachers of English - 200; Health and PE - 200; Language - 100; plus the Math, Library, Business Education, Montana Reading Council, and Montana Art Association conventions. So, she said, it is slightly misleading to state that 1000 to 2500 teachers attended the conventions - likely there are twice that number if you count those attending the specialized conventions. She said she knew there were abuses and dealing with them is difficult and frustrating, but she said she did not wish to see the entire matter of the convention laid to rest by the passage of this bill. She left copies of the 1978 and 1979 convention booklets for the committee to see.

JESSE W. LONG, School Administrators of Montana, spoke next in opposition. He felt if the days were not PIR days the professional groups would have a difficult time getting together.

EMILEE DEKAM, Physical Education Teacher from Helena, speaking for the Association of Health, Physical Education, Recreation and Dance, spoke next in opposition and a copy of her testimony is EXHIBIT 1 and part of the minutes.

LARRY D. WILLIAMS, Great Falls, speaking for the Montana Music Educators Association, said they had about 350 attend their convention which is held in conjunction with the Montana All State Music Festival, which involves 360 students. He said due to the size of the group it would be difficult to hold their convention if school was in session.

Representative Eudaily closed. He said Missoula closes their schools for these two days and so they are not penalized budget-wise. He said since it is in the statutes it must be a legislative matter.

Questions were asked by the committee.

Also leaving written testimony opposing the bill were:

DALE WANIATA, Montana Association of Teachers of English, EXHIBIT 2  
DICK SEITZ, Montana Council of Teachers of Mathematics, EXHIBIT 3

A telegram opposing was sent by the Montana Assoc. of Language Teachers, EXHIBIT 4.

HOUSE BILL 135

REPRESENTATIVE GERALD KESSLER, District 66, chief sponsor, said this bill has to do with an inequity in the teacher retirement system. As it now stands all teachers who were members of the Montana Teachers' Retirement System prior to 1971 can buy in for the years they taught at a private out-of-state school system. They must pay both the employer and employee amounts. Public school teachers who have taught in an in-state private school cannot do this. He said there is a court case pending which could negate this bill.

JIM MCGARVEY, AFL-CIO, said they were the movers in the court case. He said we should be aware of the concerns of the people living and paying taxes in our state.

JOHN FRANKINO, Montana Catholic Conference, spoke in support. He said in-state teachers should have the same opportunity as the ones from out-of-state. He said this should not injure the Montana Retirement System and it doesn't shadow on the division of church and state.

DAVE SEXTON, MEA, said they support the bill.

Opponents

F. ROBERT JOHNSON, Teacher's Retirement System, spoke in opposition, and a copy of his testimony is EXHIBIT 5 and part of the minutes.

Rep. Kessler closed.

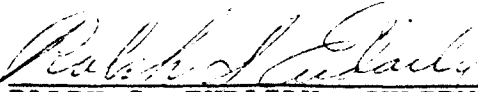
Questions were asked by the committee. Rep. Williams asked if this might be setting a precedent to transfer other pension funds. Rep. Kessler felt this was not the case. Mr. Johnson said the out-of-state provision would also need to be changed and this bill does not do that. He said he objected also because it would open the system up to a great number of more people and there would be a certain cost to the system. It was also brought out that a teacher must be in the public school system for five years before he can become part of the Retirement System. Chairman Eudaily suggested changing "he is eligible" on page 2, line 2, to "he began paying."

Chairman Eudaily closed the hearing on this bill and recognized Rep. Dussault. Rep. Dussault said there appears to be problems with the special education cooperatives. She suggested forming a special subcommittee who would invite the people affected to testify and so get a consensus of their problems. She felt a committee bill might result if the need was there. Chairman Eudaily felt, too, that it would be wise to set up a subcommittee and encourage other committee members to also attend. He appointed the following subcommittee: Rep. Dussault, Chairman, Reps. Anderson, Kitselman, O'Hara and Yardley.

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Rep. Vincent moved the meeting adjourn. Meeting adjourned  
at 2:10 p.m.

Respectfully submitted,



RALPH S. EUDAILY, CHAIRMAN

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Sending written testimony was Judith A. Burkhartsmeier. This  
is in opposition to HB 137 (EXHIBIT 6).

January 14, 1981

To: The Honorable Ralph Eudaily, Chairman  
House Education Committee

Re: Testimony in opposition to House Bill 137

My name is Dale Waniata. I am an English teacher at Helena High School and have been teaching for six years. I represent the Montana Association of Teachers of English (MATE) a statewide professional association for language arts teachers, kindergarten through grade twelve. MATE has approximately 200 members and has been in existence since the 1960's.

I oppose House Bill 137 for the following reasons:

- A. MATE has just this one chance each year to meet together and plan activities for the year on a statewide participation basis. We have district activities throughout the year for which we use our own time.
- B. When we meet we usually try to coordinate with activities of the Montana Education Association as well as activities of teachers in other related areas, such as reading. This way a teacher can attend activities of three different organizations during the same period of time. This is especially important for teachers from small, isolated districts. This one meeting per year also represents an economic and fuel saving factor.
- C. The Pupil-Instruction Related days for meetings afford teachers with a chance for professional renewal. When we in MATE meet all together, we can afford to bring in a national professional to lecture and give workshops.
- D. Teachers' conventions also give us a chance to look at commercial materials from textbook companies. Without a large convention, it is hard to get textbook companies to put on displays in Montana.
- E. As professionals, teachers deserve at least one opportunity a year to meet and exchange ideas and materials with other members of our profession without giving up our personal time. Teachers, especially English teachers, must give up much personal time during their work year for such things as classroom preparation, correcting student work, meeting with parents and supervising school activities. The existing PIR days provide teachers monetary encouragement to meet for professional growth and enrichment. Without this encouragement, many teachers, especially those with families, would have little incentive to take advantage of the growth opportunities that these state-wide conventions provide.

I appreciate your consideration of this testimony.

Dale Waniata



# Montana Council of Teachers of Mathematics

12 January 1981

To: Montana House of Representatives Education Committee

Re: HP 137

It has come to our attention that you will be dealing with a bill designed to eliminate any state funding for Teacher Convention days. We must express our strong opposition to this proposed change.

The Montana Council of Teachers of Mathematics holds its annual convention at the same time. Our convention this last fall was attended by over 300 teachers. I am sure you will find that many other curriculum groups held their convention on those same two days.

The Math teachers who have attended the convention in the past have always given high ratings to the MCTM convention and praised value not only for those who attend but also for those teachers who share in the ideas that are brought back.

This bill would have the effect of eliminating the use of these two days as an important and innovative method of maintaining the high standards that Montana educators have held.

May we suggest that your committee look at ways of strengthening this educational practice to involve more of this state's educators rather than eliminating the conventions.

Dick Seitz

401 N. Montana

Helena

WU LEG HEL

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ICS IPMPTUC PTL  
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ICS IPMMTZZ CSP  
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PMS HONORABLE RALPH EUDAILY  
HOUSE EDUCATION COMMITTEE STATE CAPITOL  
HELENA MT 59601

BT

THE MONTANA ASSOCIATION OF LANGUAGE TEACHERS IS CONCERNED THAT HB137  
WILL DESTROY OUR STATEWIDE MEETING. THE BENEFITS GAINED FROM THESE  
MEETINGS ARE VERY IMPORTANT TO ALL OF MONTANA'S FOREIGN LANGUAGE  
TEACHERS. THEREFORE, WE RESPECTFULLY OPPOSE PASSAGE OF THIS BILL  
JO ANN BENNETT PRESIDENT MALT  
1104 EST

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WU LEG HEL

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EX-5

House of Representatives

Education Committee

Testimony on House Bill 135

F. Robert Johnson, Teachers' Retirement System

The Teachers' Retirement Board is in opposition to this bill because of the current statute governing the purchase of out-of-state service which provides that out-of-state teaching service must be performed in a public or state supported institution. The language of this provision has been in effect since 1971.

In 1977 the Teachers' Retirement Board was involved in litigation brought forward by a member who was denied the right to purchase out-of-state school teaching in a private institution. The basis of the suit was the language of the statute in effect prior to July 1, 1971. Although the decision was favorable to the Teachers' Retirement Board in district court, the decision was appealed to the Montana Supreme Court and the district court decision was reversed. As the result of the decision, anyone who was a member of the Montana Teachers' Retirement System prior to July 1, 1971 was eligible to purchase private school teaching in an out-of-state institution provided that service was performed between September 1, 1937 and July 1, 1971.

The Teachers' Retirement System was subsequently sued in 1980 on behalf of some members of the Teachers' Retirement System who had private in-state school teaching on the basis they were denied equal protection under the law. A decision is expected on the case very shortly. Should the decision be in favor of the plaintiff, it would remove the inequity that now exists as the result of the Supreme Court decision.

House Bill 135 would then create an additional inequity for the current out-of-state provision and probably result in litigation. For this reason, the Teachers' Retirement Board opposes the bill.



February 2, 1981

The Honorable Ralph Eudaily  
House of Representatives  
State Capitol  
Helena, MT 59601

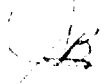
Dear Representative Eudaily and Education Committee Members:

I am writing on behalf of the Montana School Psychology Association to oppose HB 137.

Our association members are shcool psychologists involved in direct service to regular and special education students. Because of our small numbers no option for professional development is made available by local school districts. The elimination of PIR days for our members to attend our state meeting and inservice (planned and financed by dues only, no district monies) could seriously affect the quality of our continued services within our schools.

We urge that this bill receive a do not pass recommendation from your committee.

Sincerely,

  
Judith A. Burkhartsmeier  
Montana School Psychology Association

cc. Education Committee members

## COMMITTEE

SPONSOR

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## HOUSE

Education

COMMITTEE

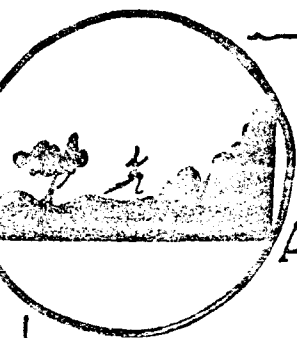
FILE HB 135 & 137

Date 1-14-81

SPONSOR

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



## ASSOCIATION FOR HEALTH - PHYSICAL EDUCATION - RECREATION AND DANCE

My name is Emilee DeKam. I am a physical education teacher here in Helena and President-Elect of the Montana Association for Health, Physical Education, Recreation and Dance, an organization made up of health and physical educators from throughout Montana.

Our organization would like to go on record in opposition to HB-137 which would eliminate our two PIR days for teachers' convention each fall. Right now, we host our annual convention during these days as do many other subject areas, as well as the MEA.

Our convention attracts approximately 250 educators, many who must travel great distances on their own. It is financed solely by our membership and is our one chance to come together, see new programs, get new ideas, hear what is working in other schools, and get excited about what our profession is doing.

Hosting a convention on a weekend is difficult because of coaching and extra-curricular commitments. Summer meetings are difficult because of summer school and jobs.

Meeting at this time allows the greatest number of educators to attend. With the tremendous distances involved in this State, the energy crunch, inflation, etc., we can only afford one meeting both personally and professionally. We feel the results of these conventions has been very positive and has resulted in improved curriculum, innovative programs and better instruction for Montana's youth.

Testimony  
Education Committee  
HB-137  
1/14/81