

MAY 19 1981

OF MONTANA

MINUTES OF THE HOUSE EDUCATION COMMITTEE MEETING  
February 11, 1981

The House Education Committee convened at 12:30 p.m., on February 11, 1981, in Room 129 of the State Capitol, with Chairman Eudaily presiding and all members present except Reps. Donaldson and Vincent, who were excused, and Rep. Azzara, who was absent.

Chairman Eudaily opened the meeting to an Executive Session on the following bills:

EXECUTIVE SESSION

HOUSE BILL 333 - Lee Heiman, staff researcher, passed copies of the suggested amendment to the members (EXHIBIT 1). Chairman Eudaily said Lee had been asked to incorporate the appropriate language to mesh with the federal law. He asked Mr. Heiman to explain the amendment.

Lee Heiman said the federal Law 94-142 does not define appropriate public education. The Section 504 is the last section dealing with the prohibition against discrimination and rules made under Section 504 is the basis of the definition that the committee heard in testimony.

Rep. Dussault said this bill and a Senate bill have been designed to do a couple of things. One was to respond to the Office of Civil Rights action that is currently going on and started from a complaint of a resident of Boulder. She said she thought they had some legitimate concerns. However the two bills together have a devastating effect and is a complete philosophical turn around from what we are trying to do for the rights of the handicapped. She said the bill is written by people who are directly involved on one side of the issue. She recommended that the bill be tabled and that members of the committee work with Rep. Marks and his interests to see if something could be worked up that is acceptable to both sides. She felt the polarization would otherwise get worse and more frantic. She said the commitment law that should be addressed is not by either bill. She said she would talk to Rep. Marks about the bill and felt he would be agreeable. She so moved to TABLE the bill. She said it was not her intent to kill the bill and would move to have it taken off the table.

Rep. Anderson asked if it would be better to postpone. Rep. Lory said since it takes only a majority to take it off the table he could see no problem in that. Chairman Eudaily said it would show that some action was taken by the committee.

The motion carried unanimously with those present (absent were Reps. Donaldson, Vincent and Azzara). Chairman Eudaily said if we see there is something needed we may need a committee bill.

HOUSE BILL 587

Rep. Hanson said there are some minor amendments: page 2, line 5, strike "does not" and insert "shall"; following "consist" insert "only"; following "are" strike "noncontiguous" and insert "contiguous." He said this was to eliminate the double negative commented on by Rep. Yardley during the hearing. Rep. Hanson moved this amendment and it carried unanimously with those present (same absent as previous vote). Rep. Hanson went through the second amendment which is on page 3, line 23, following "district" to insert "and the residents of the remaining district." Rep. Hanson moved this amendment. Rep. Hannah feared this might give veto power to the people in the remaining district. Rep. Hanson said it is not a veto power but is just saying the county superintendent must consider the district being left also. Rep. Andreason also questioned that it ever could be to the best interest of the district being left. He felt the word "best" shouldn't be there. Rep. Dussault spoke in favor of the amendment. She said we can't ignore the economic impact of a district splitting off. She said in Missoula the new school district would have been eligible for higher ANB funding than the left district. She felt it was not a veto but just allows further consideration to be taken. Rep. Andreason suggested "economic impact on the district" instead. Rep. Yardley said the new district in Missoula would have divided the remaining district in two so it is not always an economic problem only. He said he supported the amendment. Rep. Lory suggested taking out the word "best". Rep. Hanson said he would agree with that, and added that on page 3, line 22 to strike the word "best." The motion carried with Rep. Hannah voting no and the same absent.

Rep. Hanson said the next amendment is on page 5, line 11, to strike "8 months" and insert "one year." This motion carried unanimously.

Rep. Andreason moved an amendment on page 2, lines 23-25, following "20-21-301" to strike the remainder of these lines. Rep. Hanson said the original intent of the law was that the parents signing the original petition had to be more than three miles from the school. What are we trying to do with this law? High tax base is in the center of town. If you don't have that three mile limitation they could sign a petition and leave the district and leave the rest destitute. Original intent was to allow outlying areas to form districts but this would open it up so any group can petition and withdraw from the district. Rep. Andreason withdrew his motion.

Rep. Hanson moved DO PASS AS AMENDED. Chairman Eudaily read a letter supporting the bill from Maxine Lane of Missoula and a copy of the letter is EXHIBIT 2 and part of the minutes.

The question was called and carried with Rep. Hannah voting no and absent were Reps. Vincent, Donaldson and Azzara.

HOUSE BILL 137

Vice-Chairman Anderson took the chair and Rep. Eudaily passed to the members copies of a suggested amendment (EXHIBIT 3 of the minutes). Rep. Eudaily said he had received hundreds of letters since this bill came out. He said he had no quarrel with the conventions and there being included as PIR days if teachers attended the convention. He said the Legislature compounded the problem in 1971 when they included the provision that a teacher could remain in his building and do school related work and still get paid. He said they have checked with the people most affected - the MEA, the school administrators and others interested and he said they all feel something should be done but can't agree what it should be. He said HB 137 is probably not the ultimate answer. He said with the amendments the only change is that the teacher cannot stay in the building and do everyday work and get paid, but inservice training can be set up for teachers not attending one of the organizations. He said there would be a checkup of teachers attending as evidence of attendance is required. He said this bill should start the district thinking - shall I close the school for two days and let the teachers do what they want to. He said this is a viable alternative but don't want to force it on them until they see it as such.

Rep. Eudaily moved the amendments. Rep. Williams said he felt Rep. Eudaily has done a good job on the amendments as it allows a group of schools to get together for the inservice training, which he said is an excellent idea and improves on the original law.

Rep. Dussault said she felt the bill is an example of a good compromise. She asked how we could require evidence of attendance on the part of the teachers when we couldn't under the religious release bill. Rep. Eudaily said in one you are talking about students and here you are talking about teachers and they are under contract. Rep. Dussault said she would support the amendments.

The question was called and the motion to adopt the amendments carried unanimously with those present.

Rep. Lory moved DO PASS AS AMENDED. The motion carried with Rep. Teague voting no and absent were Reps. Donaldson, Azzara and Vincent.

Rep. Eudaily assumed the chair and recognized Rep. Lory. Rep. Lory said there was a possible item for a committee bill. He said he had been approached by several members from Great Falls who were having problems with the present law 20-8-103. This law says the superintendent of the Deaf and Blind School must have a ready and working knowledge of the sign language and have three years experience teaching the deaf. He said they were looking for an administrator and not a teacher so they

wished to have these requirements deleted from the law.

Rep. Dussault moved that such a bill be introduced and this motion carried unanimously with those present.

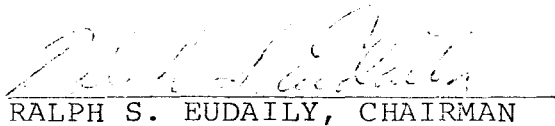
Rep. Lory said they have a problem at the University of Montana in that they get paid at odd times and this causes hardships.

Rep. Andreason said he knew from experience that it is extremely difficult for the employees of the University to have a good relationship with creditors and banks as they used to get paid on the first of the month and now it is somewhere around the 12th. He said they also require time cards.

Rep. Williams asked if there wasn't a bill to correct that problem in the last session. Rep. Lory said he would check into this.

The motion was made and the meeting adjourned at 1:35 p.m.

Respectfully submitted,



RALPH S. EUDAILY, CHAIRMAN

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Ex. 1

HOUSE BILL 333 - SUGGESTED AMENDMENTS

1. Page 1, lines 15 through 18.

Following: "means"

Strike: remainder of subsection (1)

Insert: "the provision of regular or special education and related aids and services that are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped are met."

Chairman Eudaily and committee members:

My name is Maxine Lane and I am here to support HB 587. This bill would change the law on creation of a new school district. I support this bill for various reasons.

The first is the law, as it was originally written, was for small rural districts. It did not specify creating a new district from an already existing one. The proposed changes would clarify this.

The proposed changes in this law make it fairer to create a new district. As the old law stands, it takes the signatures of parents of 10 school-age children-ages 6 to 16-, to create a new district, but 50% plus 1 to stop it. This is not a democratic way to do things. The proposed changes allow for 51% of the registered voters to request the creation of a new district. That effectively means that there are enough people who want a new district and will support it financially.

The increase in taxable value from 75 thousand to 300 thousand makes the school district able to finance itself better. There are too many districts around the state now that are using more than their fair share of the <sup>state</sup> equalization fund and are supported by neighboring districts simply because they do not have the tax base to support their district.

The other reason I support this bill is that without the proposed changes, other groups of people may have to go thru what I experienced last November and December in Missoula. The emotional trauma that I experienced, and my family, should not be allowed to happen again.

Orchard Homes has always been a very close community. People out there took extra pains to be friendly with their neighbors, help them when needed and were actively involved in the school. The secession movement that happened last year has split this community. The trust that was built among people is gone. For the last two PTA meetings at Hawthorne school the pro-secession group has sat at one set of tables, the anti group at another. There isn't much talking going on between the two groups. Even some neighbors are not talking. It is very awkward in this community these days. I feel that it will take years to mend all the feelings and get things back to normal.

Again, I would like to take this opportunity to encourage the committee to pass this bill and to recommend a due pass to the whole house. Thank you for listening and considering my concerns.

*Mafine Lane*

HOUSE BILL 137

Can

1. Title, line 4.

Following: "TO"

Strike: "ELIMINATE"

Insert: "CLARIFY"

2. Title, line 6.

Following: "AMENDING"

Strike: "SECTION"

Insert: "SECTIONS"

3. Title, line 7.

Following: "20-1-304"

Insert: "AND 20-4-304"

Following: "MCA"

Strike: ", AND REPEALING SECTION 20-4-304, MCA"

4. Page 1, line 16.

Following: "organizations,"

Insert: ", attending state meetings of teacher organizations."

5. page 1, line 23.

Following: "Section 2."

Strike: "Repealer."

6. Page 1.

Following: line 23

Strike: "repealed."

Insert: "amended to read: 20-4-304. Attendance at state teachers ~~association~~ teacher organization annual ~~session~~ meeting. When the trustees of a school district close the schools of the district for the annual session of the state teachers' ~~association~~ organizations, a teacher may attend the annual session without loss of salary or ~~work~~ attend an approved inservice training program at his school and perform duties related to his position of employment, as may be prescribed by the trustees, without loss of salary. If a teacher does neither, he shall not be paid. The trustees shall require evidence of attendance at either the annual teacher organization meeting or district inservice training program before paying the teachers' salary for those days."