

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

JANUARY 14, 1981

The Senate Committee on Education and Cultural Resources met Wednesday, January 14, 1981, in Room 402 of the Capitol Building. Senator Bob Brown, Chairman, called the meeting to order at 12:40 p.m.

ROLL CALL

Committee members present were Senators Brown, McCallum, Blaylock, Hammond, Mazurek, Severson, Thomas and Haffey. Senator Ed Smith was delayed but did attend.

The following bills were heard by the committee: Senate Bill 68
Senate Bill 58.

SENATE BILL 68

Senator Chet Blaylock, District 35, sponsor of the bill, stated the bill was submitted at the request of the people from Carbon County due to the problems they were experiencing with attendance of students in other districts. Currently, the receiving district can count a child on their ANB. Some schools actively solicit students from other districts and as a result, that district's ANB increases. The bill would provide that whenever a tuition agreement concerning either elementary or high school students is disapproved by the tuition approval agents and the child attends a school outside his own district anyway (parents pay the tuition agreed upon), the district attended by the child may not use the child's attendance for calculation of its foundation program. The district attended shall report the child's attendance to the resident district for that district's ANB calculations. The bill also limits the reasons that a tuition agreement should be approved.

PROPOSERS

Lloyd Rase, Superintendent of Schools, Red Lodge, stated they have no basic problem with the statute but pointed out that with Belfry having no kindergarten, they get many requests from parents in Belfry for attendance at the Red Lodge kindergarten. It is understood that at the completion of kindergarten they will attend school in Belfry. He feels if 20-5-301 were uniformly enforced there would be no problems. The problems are with 20-5-302 and 20-5-313. The receiving district may waive any or all of the

tuition. If a district tries to recruit students and waives the tuition the resident district has no problem. If they don't waive the tuition the receiving district loses their ANB and the ability to levy for that student. This a loss of \$28-2900 per high school student and \$1200 per elementary student in Belfry. Mr. Rase said this could mean a 1-2 mill loss in a small district with a low tax base. He stated he was not trying to bar parents from sending their children to the school of their choice but does want to ensure equitable treatment for both districts. He also pointed out there is no way to protect themselves as there is no way to anticipate the number of requests for transfers during the year. He felt the bill posed no hardship for anyone but does make the process more orderly.

Dennis Gibson, representing Belfry High School, stated his agreement with Mr. Rase's testimony. He felt the bill was necessary for all the counties in the state, not Carbon particularly. They had tried closing their county but that created more problems with transportation and other areas than it was worth. They had to go back to this system and need the help this bill offers.

Chad Smith, representing the Montana School Boards Association, stated his support for the bill. He said they have boards on both sides of the question. He said some districts raid others and the ANB is seriously affected in those districts. He felt this bill is the most effective way to address the issue.

Following a brief discussion by members of the committee, the hearing was closed on Senate Bill 68. There were no opponents.

SENATE BILL 58

Senator Fred VanValkenburg, District 50, sponsor of the bill, stated the bill was introduced at the request of the Department of Health and Environmental Sciences. It is essentially a repealer and deletes subsection 2 of 20-5-403. He gave a brief history of the statewide immunization law, SB 175 of last session, which was an attempt to deal with the widespread lack of immunization of school age children in the state. The bill provided for personal, medical, or religious exemptions. This bill does not propose to eliminate any of those exemptions. However, the bill was amended last session to provide for what was dubbed "an

administrative exemption" and that is the issue being addressed in this bill. The "administrative exemption" was added to cover instances where some recalcitrant parents would not bother to formally object to immunizing their children by signing the proper form. At the time, there was an expectation of less than 10% who would fail to act. An effective date of August 1, 1980, was chosen so there would be plenty of time for schools and parents to gear up. This year the Department of Health and Environmental Sciences began receiving reports in early October and it became obvious that the administrative exemption was being so extensively used that a question arose as to evasion. It was being utilized to cover up to 100% of the students in one or two districts and there were many instances of over a 10% usage.

PROPOSERS

Richard Crankshaw, Coordinator, Montana Immunization Program, Preventive Health Services Bureau, Department of Health and Environmental Sciences, presented written testimony in support of the bill (attachment #1).

C. Ray Fischer, representing Blue Cross of Montana, stated his support of the bill. The primary interest of Blue Cross is the good health of the people of Montana. He stated 1 case in 12 of measles result in complications and one case in 1000 result in death. Because of measles vaccinations, 9000 cases of mental retardation and 3000 deaths have been prevented. He said Blue Cross recognizes an urgent need for immunization and urged the committee to give the bill a do pass recommendation.

Pat Petaja, representing the Montana Health Systems Agency, stated her organization is engaged in health care planning and the 1981 plan addresses immunization. Their research revealed a serious loophole exists - that of the administrative exemption based on failure to act - which renders the law ineffective. With the elimination of the administrative exemption it is a very good law and a most necessary tool in keeping immunization levels current. She urged support of the bill.

Judy Olson, representing the Montana Nurses Association, stated her group supports the elimination of the administrative exemption. They are concerned about the high number of exemptions and urge support of the bill.

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Alice Armstrong, representing the Montana School Nurse Interest Group, stated her group supports the elimination of the administrative exemption and supports the rest of the bill and the immunization of children.

Dr. Jeffrey H. Strickler, representing the Montana Unit of the American Academy of Pediatrics and the Montana Medical Association, presented his written testimony in support of the bill (attachment #2). He added that from an epidemiological and medical point of view the failure to act puts at risk the rest of the population. He noted that immunization is not foolproof and there are still the unborn child and pregnant mother who can also be at risk.

Connie J. Johnson, a parent, stated she supports the bill as she feels it is the parental responsibility to immunize their children. She feels it is the parents' second responsibility to respond to exemptions if need be. She stated she has worked with handicapped children and has seen first hand what can happen.

Toni McOmber, representing the Montana Education Association, stated she supports the previous testimony. She further stated a child's health is important to his education. The high incidence of measles/rubella indicates schooling is affected by absenteeism.

Dr. David B. Lackman, Chairman, Legislative Committee, Montana Public Health Association, presented his written testimony in support of the bill (attachment #3).

Roberta Lener, Hill County Public Health Nurse, presented written testimony in support of the bill (attachment #4).

Shirley McGuire, representing the Health Officers and Nurse Supervisors of Local Health Departments, stated she supports the bill as it provides the impetus to parents to immunize the children and subsequently enhances the health of the children.

Joy Stevlingson, representing the Montana Parent Teachers Association, presented her written testimony to the committee in support of the bill (attachment #5).

Rick Reese, Executive Assistant to the State Board of Education, stated the Board had unanimously voted to support the bill. They oppose amending the bill as they feel it invites abuse.

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Senator Judy Jacobson stated she had, as a parent, worked on a steering committee for immunization in the schools and she has some concerns with the loophole (administrative exemption).

Jerry Roth, Director, Special Services Center, Helena School District No. 1, presented his written testimony in support of the bill (attachment #6).

There being no further proponents, the Chairman called for opponents to the bill.

OPPOSITION

Jack Webster, Superintendent of Schools, Corvallis, spoke in opposition to the bill, stating Corvallis schools operate only on foundation program monies and the bill mandates another function which they have not the money or manpower to perform. The health department has refused to assume the function as they say it is not their duty. Due to the transient school population, it is necessary to devote 20 hours per week to maintain immunization records. He stated they need extra money or health department support, preferably both, to comply.

Tony Tognetti, Superintendent of Schools, Stevensville, presented statistics re student count (attachment #7) and spoke in opposition to the bill. He stressed he is not opposed to immunization but several problems exist in their area due to the fact they are operating their schools only on the foundation program. They have a very high turnover in students and the problems in obtaining health records makes it very hard to comply. He pointed out further they have absolutely no extra dollars to work with due to the foundation funding operational monies being their only support. They have had to cut back in many many areas, i.e. the Jr. High School has no secretary, the two custodians double as bus drivers, etc. The county nurse and volunteers have said they would help but confidentiality then becomes a problem. He feels if parents can't enroll their children until they are immunized they will be angry and the educational process will come under attack. He again emphasized he is not against good health and does want safe healthy schools and students. He feels it is mandatory that public health nurses assume the responsibility rather than the burden being on the school district.

Quentin Brown, Chairman, Corvallis School Board, opposed the bill, stating their full time secretary was spending 1 1/2 hours a day on school immunization records and they finally had to hire a half time secretary just to maintain the records. He stated he isn't opposed to immunization but feels the Department of Health should assume responsibility as they have access to more money in terms of grants and federal funds. He pointed out that 8% of the elementary students are Vietnam refugees. They gained 44 new

students in the first three months of school and are now accepting no new students from out of district. He felt the health department can help and cooperate with them on this project. They run no school levies in Corvallis at present and don't intend to in the future, he stated. He said the Californians and Vietnamese won't bring medical records with them.

Jess Long, representing the School Administrators of Montana, stated they oppose the bill but do support immunization; they would like to see the administrative exemption continued. He suggested putting some teeth in the bill by perhaps going as far as making provision for prosecution of non-complying parents. He further suggested tightening the administrative exemption by mandating the number of times a parent must be contacted by a public health or school nurse. He stressed the need for the administrative exemption for the 1% of the parents who just don't care.

Chad Smith, representing the Montana School Boards Association, stated they strongly support immunization but have some problems with this bill. They did not originally anticipate the widespread abuse of the administrative exemption. He presented proposed amendments to the committee (attachment #8) in which the obligation is put on public health. He further pointed out that compulsory attendance laws and no attendance without immunization can come to a head.

Linda Ziesing, a parent from Whitehall, stated she agreed with most of the testimony and certainly does not oppose immunization. She did state she was opposed to tightening up the bill. She said she was aware that many parents are not aware or aren't being fully informed of their rights of exemption and some feel intimidated which has caused resentment in the community. She pointed out the case of a parent who was informed that her child, who suffered with an extensive allergy problem, would not be able to attend school without the complete proper immunizations. She felt she was taking an awful chance with her child's health, but complied and fortunately the child had no reactions. She feels the potential for coercion or force exists and urged the committee to find a way to more adequately inform parents and explain their rights in this area.

Senator VanValkenburg, closed by addressing some of the concerns of the opponents saying he was not unmindful of their concerns. He said government, i.e. the collective will of the people, must guarantee that society have a way to enforce the majority will, but be ever mindful of the minority will. He pointed out the bill still retains the capacity of the parents to exempt

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themselves and the form from the health department makes it clear that there are exemptions and how to utilize them. He noted, in answer to enforcement, there is already an enforcement procedure through Department of Health injunction which should be adequate. He pointed out schools are the only collection point for children and therefore the logical point to collect the information. It is certainly more efficient than having the health department go door to door to check immunizations. He said this bill puts the monkey squarely on the back of the parents, in effect, saying you have a responsibility - exercise it.

After discussion by the committee, the hearing was closed.

There being no further business, the meeting adjourned to reconvene Monday, January 19, at 1:00 p.m.



Senator Bob Brown, Chairman

jdr

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

JANUARY 14, 1981

Information Sheet
Senate Bills 58 and 68

SENATE BILL 68

Senate Bill 68 provides that whenever a tuition agreement concerning either elementary or high school students is disapproved by the tuition approval agents and the child attends a school outside his own district anyway (parents pay the tuition agreed upon), the district attended by the child may not use the child's attendance for calculation of its foundation program. The district attended shall report the child's attendance to the resident district for that district's ANB calculations. This bill also limits the reasons that a tuition agreement should be approved.

SENATE BILL 58

The amendment in Senate Bill 58 deletes a subsection that automatically exempted from immunization requirements any child whose parents failed either to immunize them or to ask for a religious, personal, or medical exemption. The amendment will: (1) eliminate the inconsistency between the automatic exemption due to failure to act and 20-5-408 (1), MCA, which requires exclusion of a conditionally enrolled child who does not complete timely immunization or claim an exemption. (2) eliminate a conflict between 20-5-403 (2) and 20-5-409, which provide for enforcement against a parent who fails to act to immunize the child or to formally claim an exemption for that child.

SB 58
BILL SB 68

SENATE COMMITTEE ON COMMITTEE
EDUCATION AND CULTURAL RESOURCES
VISITORS' REGISTER

DATE 1/14/81

NAME	REPRESENTING	BILL #	(check one)	
			SUPPORT	OPPOS
Pat Bria	Montana Health Systems Agency	SB 58	✓	
Ellie Park	Mont. Health & Env. Sciences	SB 58	✓	
C. Ray Fischer	Blue Cross of MT.	SB 58	✓	
Julia L. Armstrong	Mont. School Nurses Assn	SB 58	✓	
William L. Crickman	MT Dept. of Health & Env. Science	SB 58	✓	
Leslie A.	Mont. Soc. Sec. Dist #1	SB 65	✓	
Alvin G. Olson	CARBON Co. Sch. Dist.	SB 68	✓	
John Anderson m.d.	St. Joseph's Health	SB 68	✓	
Tom Tognetti	Stevensville Schools	SB 58		✓
Jack Webster	Corvallis Schools	"		✓
Quentin Brown	"	"		✓
Sharon L. Finney	Mont. Parent Teacher Assn	SB 58	✓	
Nancy Herkingson	" " " "	SB 58	✓	
Theresa Hingle	MIDWEST	SB 58	✓	
Roberta Lerner	Hill County Public Health Dept	SB 58	✓	
Dick Paulsen	MIDWEST	SB 58	✓	
Marion M. Duwe	Local Health Dept	SB 58	✓	
Terry D. Baker	Mont. Ed. Assoc	SB 58	✓	
Chad Smith	Mont. Soc. Sec. Dist. Assoc.	SB 65	✓	
David B. Lackman	Mont. Public Health Assn	SB 58	✓	
Robert B. Morris	Helena School Dist No. 1	SB 58	✓	
Richard Trivise	Co. Superiors	SB 58 SB 68		
Sen. Judy Jackson		SB 58	✓	
Sen. T. Davis	M. M. A. (Mont. Medical Assn)	SB 68	✓	

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: LLOYD RASE DATE: 11/14/81

ADDRESS: Box 268 Red Lodge

PHONE: 446-1523 OFFICE 446-2474 RES

REPRESENTING WHOM? CARBON CO. SCH. DIST #1 Red Lodge

APPEARING ON WHICH PROPOSAL: SB 68

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: ORAL TESTIMONY

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: DENNIS GIBSON DATE: JAN 14, 1991

ADDRESS: Box 132 Bethel Mt.

PHONE: 446-2221

REPRESENTING WHOM? Bethel High School

APPEARING ON WHICH PROPOSAL: SB 69

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Fred Va Valkenburg DATE: 1/14/81

ADDRESS: _____

PHONE: _____

REPRESENTING WHOM? Senate Dist. 50

APPEARING ON WHICH PROPOSAL: SB 58

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Richard L. Crickshaw DATE: 1/14/81

ADDRESS: 112 Fairview Dr. Helena

PHONE: 2-2637

REPRESENTING WHOM? Dept. of Health & Environmental Sciences

APPEARING ON WHICH PROPOSAL: SF 58

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Written & oral testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

JUSTIFICATION: SB 58

"An act to amend Section 20-5-403, MCA, of the School Immunization Laws to eliminate the exemption based on failure to act."

Background

The 1973 Montana Legislature enacted a law which allowed school districts to require immunizations, but for school enterers only. Less than half of the school districts elected to implement this law, and most of those school districts made no real effort to enforce the law. As a result, Montana children's immunization levels were among the lowest in the country and, during 1977, Montana had the dubious distinction of having the highest case rate of measles in the country, with over one thousand cases. Contrary to popular belief measles, is a serious childhood disease. Measles causes severe illness and can result in ear infection, deafness, encephalitis, and even death.

Just prior to the 1979 legislative session, Montana was one of the last 4 states in the country without a statewide school immunization law. The 1979 Legislature passed SB 175 and today all 50 states have statewide school immunization laws.

All school immunization laws in the U.S. allow exemptions for medical reasons, most of these laws permit religious exemptions, and about one-third of the immunization laws also allow personal exemptions. SB 175, as introduced by Senator Fred Van Valkenburg, allowed for all three exemptions to the immunization requirement. The bill was strong, yet fair and conciliatory. Although assuring the protection of children through immunization is the primary goal of immunization laws, SB 175 could never have been construed as being compulsory or mandatory. There were alternatives to immunization; the bill merely required that the parent (or guardian) either (1) insure and document that their children are immunized or (2) file an appropriate exemption. Representatives from over 20 school, health, and voluntary organizations and agencies supported SB 175; there were no opponents. However, the Montana School Boards Association representative, speaking as a proponent, introduced the amendment which resulted in a fourth exemption to immunization, the Administrative Exemption. The amendment means that if a parent fails to immunize his/her child or file for a medical, religious or personal exemption, then that child is exempted simply because the parent failed to act. The school must file an Administrative Exemption form for all such children. SB 58 wishes to have this loophole removed.

Rationale for SB 58

Many laws are difficult to implement during their first year following enactment. School immunization laws are no exception. However, the "failure to act" amendment has made Montana's law unnecessarily difficult to successfully implement. When this amendment was introduced last session, Department of Health officials were aware and concerned that the amendment might cause problems with enforcement. We elected, however, to not oppose the amendment and give the amended law every chance to succeed.


Nationally, less than 1% of the pupils enrolled were exempted last school year for medical and religious reasons combined. In Montana, it appears that approximately 1% of the pupils will be exempted for medical, religious, and personal reasons combined. But -- the "Reports of Exempted Pupils" reveal that in over 25% of the schools, 10% or more of the pupils were exempted for administrative reasons alone. Some schools reported well over 50% of their pupils as Administrative Exemptions, and one school reported that 100% of their pupils had been administratively exempted.

In the event of an outbreak of communicable childhood disease, Department of Health, local health, and school officials must be able to readily and rapidly identify unprotected/unimmunized children. No immunized child should be given an Administrative Exemption and, since we know from surveys that almost 90% of Montana's school enterers are immunized, we know that the Administrative Exemption has been misused at least by some schools.

The "failure to act" amendment has (1) made Montana's Immunization Law unnecessarily confusing, (2) created an additional form and more paper work for schools, and (3) taken away the obligation/responsibility of the parent to present the appropriate document to school officials. But the bottom line is that a strong, straightforward law will result in less childhood illness and, therefore, less absenteeism and disruption of the educational process.

We urge you to vote in favor of SB 58.

Submitted by:



Richard L. Crankshaw
Coordinator, Montana Immunization Program
Preventive Health Services Bureau
State Department of Health & Env. Sciences

Helena Medical Clinic, P.S.C.

1930 9TH AVE.
HELENA, MONTANA 59601
TELEPHONE 442-9523

DAN SMELKO
Business Manager

January 9, 1981

INTERNAL MEDICINE:
J.B. SPAULDING, M.D.
D.R. HIESTERMAN, M.D.

OBSTETRICS AND
GYNECOLOGY
J.J. DRYNAN, M.D.
J.E. NICKEL, M.D.
R.M. BROWNING, M.D.

PEDIATRICS:
E.P. GUNDERSEN, M.D.
B.C. RICHARDS, M.D.
J.H. STRICKLER, M.D.

SURGERY:
W.J. HOOPES, M.D.
K.J. WRIGHT, M.D.
J.W. HARLAN, M.D.

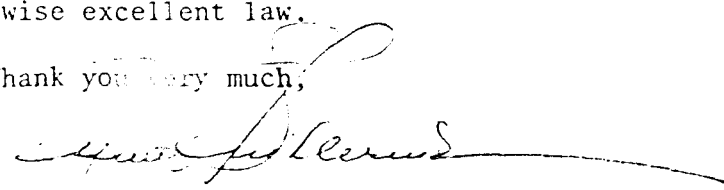
Honorable Bob Brown
Members of the Senate Committee on Education
State Senate
State Capitol
Helena, Montana 59620

Dear Senator Brown and Members of the Committee,

As a practicing pediatrician in Helena, Montana and as a representative of the Montana Chapter of the American Academy of Pediatrics, I would like to speak in favor of Senate Bill 58.

As pediatricians, we were very pleased to see the passage of the School Immunization Bill in the last legislature. However, as advocates for children and as physicians responsible for their care, we do not feel that the children should be the victims of the parents' irresponsibilities and failure to act. Although there are very legitimate, personal, religious or medical reasons for non-immunization, which should be preserved, mere parental lethargy represents a form of medical neglect. In and of itself this failure to act should not be considered criminal, but on the other hand we would urge you not to condone this neglectful behaviour and to close a loophole in an otherwise excellent law.

Thank you very much,


Jeffrey H. Strickler, M.D.

JHS:bjl

ADD: This position is also supported by the Montana Medical Association.

NAME: David B. Lackman DATE: Jan. 14, 1981

ADDRESS: 1400 Winne Ave., Helena, MT. 59601

PHONE: 443-3494

REPRESENTING WHOM? Montana Public Health Assn.

APPEARING ON WHICH PROPOSAL: Senate Bill No. 58 (^{School} ~~Immunization~~ ^{Immunization})

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Copies attached.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY. ✓

1057

Senate Bill No. 58 (Van Valkenburg) "An act to amend section 20-5-403, MCA, of the school immunization laws to eliminate the exemption based on failure to act."

HEARING: Education , Wednesday , Jan. 14, 1981 , Room 402 , 1:00 P.M.

I am David Lackman , Diplomate in Immunology of the American Board of Microbiology; and lobbyist for the Montana Public Health Association. I am testifying in support of Senate Bill No. 58 .

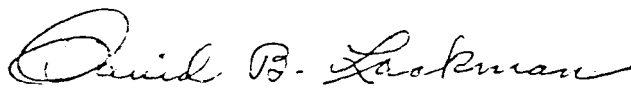
We are well on the way to eliminating the ravages of childhood communicable diseases. Contrary to some beliefs, they are not benign infections. Latent viruses, especially measles , may trigger the genetic defect in the immune system which results in multiple sclerosis. Post -infectious encephalitides are very serious conditions - extremely difficult to deal with.

As others have testified , the exemption based on failure to act in the present code has resulted in a "loophole" resulting in many non-immunized students.

When in Washington recently , I asked about their school immunization program. It is working well without the exemption referred to. This has also been the experience in many other states.

Schools are the universal point of contact with children. As a long-time school board member , I never flinched from accepting responsibilities for the benefit of the whole child.

We urge the enactment of SB 58 .


David B. Lackman , Ph.D. , Chairman,
Legislative Committee , Montana Public
Health Association

As a practicing Public Health Nurse in Hill County, Montana, I respectfully request that members of the Senate Education Committee consider amending Senate Bill 5S, as proposed by Senator Van Valkenberg to delete Section 1, Sub-section 2, which allows for administrative exemptions in the documentation of immunizations.

Hill County school children at present have between 90-98% immunization levels. I believe allowing parents to fail to act has prevented Hill County from reaching its goal of 100% immunization levels.

I currently provide health services for 12 county schools. Of the 825 students enrolled in grades K-8, only 1 personal exemption has been filed and no religious exemptions. However, 89 administrative exemptions have been filed.

In the Havre City Elementary schools, where 1350 children are enrolled in grades K-6, 16 religious/personal exemptions have been filed and 43 administrative exemptions. In the Junior High, there are 10 administrative exemptions of the 200 students. In the High School where there are 905 students, there are 28 students having administrative exemptions.

Because of the nature of the administrative exemption, it is impossible to determine whether or not a child is actually lacking a needed immunization or whether the child is immunized and the parents have merely neglected to submit documentation.

The distinction between the two is crucial to planning public health measures in the case of a disease outbreak in the schools.

Students who are actually properly immunized may have to be excluded from school for 30 days, merely because of their parents failure to act.

By requiring the parent to choose between a medical, personal or religious exemption, this problem can be avoided.

Respectfully submitted,

Roberta Lener, RN

Roberta Lener, R.N.
Hill County Nurse

NAME: C. Ray Heschot DATE: 1-14-81

ADDRESS: Great Falls

PHONE: 761-7310

REPRESENTING WHOM? Blue Cross of MT.

APPEARING ON WHICH PROPOSAL: SB 58 - Immunization

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Blue Cross believes in good health.

'This is a beginning'

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME:

Pat Pelajo

DATE:

Jan 14 1981

ADDRESS:

324 E. 11th Ave

PHONE:

4435965

REPRESENTING WHOM?

Montana Health Systems Assoc.

APPEARING ON WHICH PROPOSAL:

SF 57 - Immigration

DO YOU: SUPPORT?

☒

AMEND?

OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

10-16
Senate Committee
Education
Room 102

PAT PETAJA
MONTANA HEALTH SYSTEMS AGENCY, INC.
324 FULLER AVENUE, HELENA

OUR AGENCY IS INVOLVED WITH HEALTH CARE PLANNING IN THE STATE.

WE PREPARE A HEALTH SYSTEMS PLAN WHICH ADDRESSES A MULTITUDE OF HEALTH CARE SERVICES. OUR 1981 PLAN WILL INCLUDE A COMPONENT ON IMMUNIZATION.

WHEN RESEARCHING THE TOPIC OF IMMUNIZATION SERVICES IN MONTANA, WE NOTED A SERIOUS LOOPHOLE IN THE SCHOOL IMMUNIZATION LAW. THIS WAS IN THE FORM OF AN ADMINISTRATIVE EXEMPTION BASED ON FAILURE TO ACT. THIS ADMINISTRATIVE EXEMPTION RENDERS THE LAW MUCH LESS EFFECTIVE. *in our ESTIMATION.*

WITHOUT THE ADMINISTRATIVE EXEMPTION ^{*REMOVED*} WE FEEL THIS IS A VERY ^{*NECESSARY*} GOOD LAW.

WE SUPPORT THE RIGHT OF PARENTS TO CLAIM EXEMPTIONS IF THEY SO WISH, BUT, WE ARE CONCERNED THAT THE ADMINISTRATIVE EXEMPTION DISCOURAGES THE STRONGEST EFFORTS TO URGE PARENTS TO HAVE THEIR CHILDREN IMMUNIZED.

IN CONCLUSION, IT IS OFTEN EASY TO FORGET THE HARDSHIPS AND SUFFERINGS THESE DISEASES CAUSED JUST TWENTY-FIVE YEARS AGO, ~~BEFORE~~ ^{*BEFORE*} ~~WE HAD THE AVAILABLE VACCINES.~~ ^{*DEVELOP AVAILABLE*} IF WE DO NOT KEEP OUR CHILDREN'S IMMUNIZATION LEVELS CURRENT DISEASES SUCH AS POLIO CAN STRIKE AGAIN.

THE MONTANA HEALTH SYSTEMS AGENCY URGES YOUR SUPPORT OF THE ~~AMENDMENT TO THIS~~ VERY IMPORTANT LAW.

Regarding a

NAME: Judy E. Olson DATE: 1-14-81

ADDRESS: 2801 11th Ave

PHONE: 458-9193

REPRESENTING WHOM? Montana Nurses' Assoc.

APPEARING ON WHICH PROPOSAL: JB 58

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: 12/1/81 11/1/81 DATE: 11/1/81

ADDRESS: 2919 CANTON RD C/14 12/1/81

PHONE: 412-7538

REPRESENTING WHOM? Montgomery School Nurse Teachers Group

APPEARING ON WHICH PROPOSAL: Senate Bill # 58

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

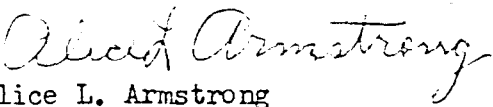
January 14, 1980

TO: Senator Bob Brown
Chairman Senate Education Committee

FROM: Montana School Nurse Interest Group

The School Nurse Interest Group favors the repeal of the failure to act amendment. Without this amendment, which created the administration exemption option, we feel that the law is very sensible and workable.

We support Senate Bill 58.


Alice L. Armstrong
Vice Chairman School Nurse Interest Group

NAME: Connie J Johnson DATE: Jan 13, 1981

ADDRESS: 1701 Chateau, Helena, MT 59601

PHONE: 443-4278

REPRESENTING WHOM? Parents view, advocate for protection
of unborn child.

APPEARING ON WHICH PROPOSAL: SB 58

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: I fully support repeal of
Exemption: as I feel it
is parents responsibility to
immunize ^{their} children as let
school know if there is
some reason why they do
not ^{want} their children immunized
I do not want my children
exposed to disease or the
unborn child exposed to disease
especially in first trimester

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Toni McBrier DATE: Jan. 14, 1981

ADDRESS: 437 W. Lawrence, Helena

PHONE: 443-2228

REPRESENTING WHOM? Montana Education Association

APPEARING ON WHICH PROPOSAL: SB 58

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Roberta Lenev DATE: 1-14-81

ADDRESS: 415 10th Ave HAVRE MT 59501

PHONE: 265-5481 EXT 45

REPRESENTING WHOM? HILL Co Health Dept

APPEARING ON WHICH PROPOSAL: Senate Bill 58

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: I support the deletion of the
administrative exemption allowed
in the present school immunization
Law

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Shirley McBaine DATE: 1/14/81

ADDRESS: 316 Mc Park - Nelson Tpt

PHONE: 443-1010

REPRESENTING WHOM? Nelson, Orleans and Nurse Supervisors

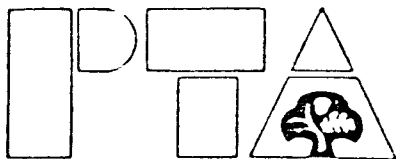
APPEARING ON WHICH PROPOSAL: SB 58

DO YOU: SUPPORT? / AMEND? OPPOSE?

COMMENTS: Support repeal of amendment of
"failure to act" This will clarify
law reduce paper work and
improve communication and subsequently
the health of the child

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



MONTANA CONGRESS OF PARENTS AND TEACHERS

January 14, 1981

Ladies and Gentlemen, my name is Joy Stevlingson and I represent the Montana Parent Teachers Association.

It is not at issue here as to whether or not an immunization law is necessary and worthwhile. The law has been passed and with its passage, Montana followed a national trend in making immunization mandatory for school attendance. The reasoning behind the need for the law is that there will always be neglectful parents who won't obtain immunization for the good of their child because of their own failure to act. Due to the administrative exemption in the law we are now faced with neglectful school districts who, like those slack parents, are sacrificing the welfare of the child because of their failure to act. The parallels are clear. The reason for making the law, protection of children, is the same reason the loophole must be closed. There will always be that element of society without the self-discipline to protect their children, so we must have a law with the clout to do it for them. We endorse this legislation to close the loophole that has allowed some school districts to be remiss in carrying out the intent of the law and we ask this committee to give a "do pass" recommendation to this bill.

Thank-you.

NAME: Pick Kesi DATE: 1-14-81

ADDRESS: Helena

PHONE: 449-2285

REPRESENTING WHOM? Board of Education

APPEARING ON WHICH PROPOSAL: SB 58

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE BILL 58

It is my feeling, and the feeling of the nurses in Helena School District No. 1, that the effort to amend the school immunization law is both timely and appropriate.

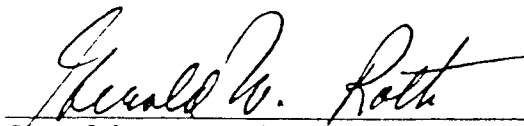
There is no question in my mind that the "Administrative exemption" present in the law is detrimental to the concept for which the original law was established.

There are numerous examples of incomplete immunization records throughout the Helena School District because parents have "failed to act". Consequently, the 5 nurses employed by School District No. 1, Helena, are unable to complete records that, in effect, carry out the intent of the immunization law. The vast amount of paper work required to implement the immunization law is not lessened and, in fact, tends to be more overwhelming because of the ease in which parents are able to sidestep the immunization law.

It is my understanding that the original intent was to increase the percentage rate of immunizations for school-aged children in Montana. If school districts are to be in compliance with the law and if our ultimate goal is to immunize as many students as possible, then the law must be amended to exclude the Administrative exemption.

Perhaps this amendment does not go far enough in simply removing the exemption. Is it not possible to include some kind of penalty for failure to immunize and hence, to notify the school in the prescribed length of time? This would make the law effective. As it is now being administered, our efforts to raise the immunization level of our students are seriously minimize

We support the exclusion of the "Administrative exemption" clause and respectfully suggest that a penalty clause be inserted for failure to comply within a specified period of time.


Gerald W. Roth, Director
Special Services Center
Helena School District No. 1
Helena, Montana

NAME: Jack Webster DATE: 1/14/81

ADDRESS: Corvallis Mont. 59828

PHONE: 961-4211

REPRESENTING WHOM? Corvallis Schools

APPEARING ON WHICH PROPOSAL: Immunization

DO YOU: SUPPORT? AMEND? OPPOSE? X

COMMENTS: The schools have enough
responsibility now + do not need
another burden of worrying about
family immunizations. If this
is mandated let the Public
Health handle this chore.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Tony Tognetti DATE: 1/14/81
ADDRESS: 111 South Ave. Stevensville MT
PHONE: 777-5481 (work)

REPRESENTING WHOM? Stevensville Schools

APPEARING ON WHICH PROPOSAL: SB 58

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: Problems Exist in Schools on
Foundation program which make it more
difficult to comply.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Stevensville Public Schools

SCHOOL DISTRICT NO. 2

STEVENSVILLE, MONTANA 59870

Jan. 13, 1981

Senators:

The following is a compilation of numbers of students who have enrolled as new students in Stevensville Schools during the full school year of 1979-80 (last year) or during the first semester ($\frac{1}{2}$) of the current 1980-81 school year. The totals therefore reflect $1\frac{1}{2}$ years only of new students transfers and the problems associated with obtaining health and academic records.

The 4th category has been added to show you the rate of student turnover through the 4 years of the current senior class alone.

Elem. K-6	Total	343
1979-1980		127
1980-1981		216

Jr. High	Total	97
1979-1980		66
1980-1981		31

High School	Total	87
1979-1980		41
1980-1981		46

Current Seniors 84

Started as Freshmen and stayed with the class-- 61

Student who enrolled and left class during past 4 years--55

NAME: Jonathan Biron DATE: 1/14/71

ADDRESS: Cornellis Mont

PHONE: 981-3563

REPRESENTING WHOM? Cornellis School Board

APPEARING ON WHICH PROPOSAL: SB 58

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: To much expense for the school

Board

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jessie L. Lee DATE: 1/14/80

ADDRESS: 501 N. Sullivan Helena

PHONE: 442-2510

REPRESENTING WHOM? School Board of Montana

APPEARING ON WHICH PROPOSAL: P.B. 58

DO YOU: SUPPORT? AMEND? OPPOSE? ✓

COMMENTS: P.B. 58 is a violation of the exemption

in law as would be to enter the

exemption R.R.

It seems to me that an amendment is

necessary to provide evidence of adequate

contacts before the exemption is used

as a basis of exemption with

a penalty such as a fine or a

penalty would be handled

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: CHAD SANITZ DATE: 1-14-81

ADDRESS: Box 604 HALEY

PHONE: 4112-2987

REPRESENTING WHOM? MONT S&H TDS ASSC

APPEARING ON WHICH PROPOSAL: SB 58

DO YOU: SUPPORT? AMEND? SB 58 OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

SENATE BILL NO. 58

Mr. Chairman: I move to amend Senate Bill No. 58 as follows:

1. On page 1, by deleting the proposed amendments shown on lines 12, 15, 20 and 21.
2. On page 1, following line 25 by adding the following sentence as sub-section (2):

"(2) The governing authority may determine that a failure of any person to act as provided in subsection (1) is an exemption but such determinations of exemption shall not exceed 5 percent of the enrollment of the school district."

3. On page 2 by adding the following paragraph as Section 2:

"Section 2. Penalty. Any parent who refuses or neglects to immunize a child who is subject to compulsory school attendance so that the child can be enrolled and who refuses or neglects to file for an exemption on behalf of the child shall be guilty of a misdemeanor and fined not less than \$5 nor more than \$20 for each day that such refusal or neglect continues. The department shall have the primary responsibility for enforcement of this section."

4. On page 2, line 1, by renumbering "Section 2" to read "Section 3".

DATE: 10/14/81

ADDRESS: Box 243 Whitehall, Md.

PHONE: 281-3767

REPRESENTING WHOM? Parent, Self

APPEARING ON WHICH PROPOSAL: 2 B 58

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: personally opposed

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Herma Parker DATE: 1-14-81

ADDRESS: Dept of Health & Human Services - Council

PHONE: 449-2630

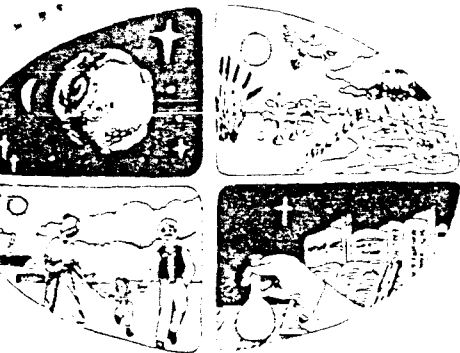
REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: SR 58

DO YOU: SUPPORT? ☒ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



...MAKING A DIFFERENCE...

RECEIVED

JAN 12 1981

MDHES
PREVENTIVE HEALTH SERVICES
BUREAU

January 9, 1981

Senator Bob Brown, Chairman
Education Committee
Montana State Senate
Helena, Montana 59620

Dear Senator Brown:

I am writing to you and your committee on behalf of the Montana Local Health Officers' Association in support of Senate Bill 58.

We believe that the current Administrative Exemption rule is contrary to the interest of the school immunization law and should be eliminated from this law. By doing so, we would expect to see more clarity in the law, less paper work, better immunization levels and, most importantly, healthier children.

Thank you for your consideration of our comments.

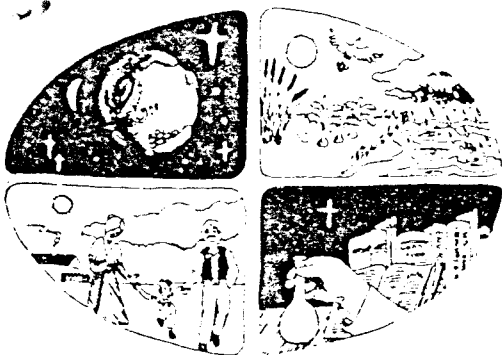
Sincerely,

David A. Reffer, Chairman
Montana Local Health Officers' Assoc.

DAF:mjp

cc: Local Health Officers

MISSOULA CITY-COUNTY HEALTH DEPARTMENT
301 WEST ALDER STREET MISSOULA, MT 59801
TELEPHONE 721-5700



...MAKING A DIFFERENCE ...

January 9, 1981

Senator Bob Brown, Chairman
Education Committee
Montana State Senate
Helena, Montana 59620

Dear Senator Brown:

I am writing in support of Senate Bill 58 which has recently been referred to the Education Committee. This bill will eliminate the Administrative Exemption option now available to schools for students not adequately immunized against preventable childhood diseases.

Missoula County officials have never been in support of this "failure to immunize" option. I have talked to other Montana County Health Department Directors of Nursing and they agree. Schools must accept the responsibility for actively pursuing pupil immunizations; parents must accept the responsibility for having their children immunized. By eliminating this Administrative Exemption, the original intent of the law will be considered and followed. With an increase in immunization levels, there will be less absenteeism and more importantly Montana's children will not be victims of preventable diseases.

I strongly urge your consideration and support of this important Senate Bill.

Sincerely,

Crystal Day

Crystal Day, Director of Nursing
Chairperson,
Montana Health Departments' Director
of Nursing Association

CD:mjp

MISSOULA CITY-COUNTY HEALTH DEPARTMENT
301 WEST ALDER STREET MISSOULA, MT 59801
TELEPHONE 721-5700