

MINUTES OF THE MEETING
SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES
FEBRUARY 4, 1981

The Senate Committee on Education and Cultural Resources met Wednesday, February 4, 1981, in Room 402 of the Capitol Building. Senator Bob Brown, Chairman, called the meeting to order at 1:00 p.m.

ROLL CALL

Committee members present were Senators Brown, McCallum, Severson, Hammond, Blaylock, Mazurek, and Haffey. Senator Thomas arrived late and Senator Smith was absent.

The committee heard Senate Bill 237.

CONSIDERATION OF SENATE BILL 237

"AN ACT TO PROVIDE THAT ANY SCHOOL DISTRICT THAT CONDUCTS PUPIL-INSTRUCTION DAYS BEFORE LABOR DAY IS NOT ENTITLED TO RECEIVE SCHOOL EQUALIZATION APPORTIONMENT FUNDS FOR THOSE DAYS"

Senator Blaylock, District 35, sponsor of the bill, stated no one had asked him to submit the bill, he did it as a parent and a teacher. He said students and parents both resent the school starting date eating into August. It interrupts vacations in many cases and with harvesting in August, many rural students start school as much as two weeks late. Senator Blaylock stated, as a teacher, he feels the first two weeks of school are very critical to the course work being offered.

PROPONENTS

Mike DaSilva, representing himself as a parent of children in the Helena school system, stated parents pay for the school system and they really have no say in the running of that system. He said this is one area where he feels parents have a legitimate right to take a stand. He pointed out several reasons for wanting school to start after Labor Day:

1. It is always rainy in June and August weather is most always the best of the summer;
2. It takes at least a week to get children ready for school which takes almost two weeks out of August if you have an early starting date;
3. Children's summer programs, such as baseball, swimming, etc., are scheduled during June and July, leaving August the only free month for the whole family to vacation together.

Armelda Sassano, a Helena mother and housewife, stated all her children have gone through the Helena school system. She said the schools can run the number of days they have to at a practical time. She felt spring break was unnecessary as it occurs during bad weather, when children have to be inside anyway. She felt that since children's summer programs run during June and July, August is all that is left for vacations and certainly not everyone can schedule vacations during the first 2 weeks of August.

OPPONENTS

Jesse Long, speaking first as a parent of a freshman, stated he was against the bill. Second, speaking as the Executive Director of the School Administrators of Montana, he said his organization feels there should be local control in this situation. He said teachers, administrators, and trustees often agree, sometimes contractually, on starting dates and this bill would certainly create problems in that area. He said by starting after Labor Day, the school year is pushed into June and, as most teachers know, not much learning is accomplished after spring fever sets in and Memorial Day is over. He pointed out further that in the future schools may want to run in the summer for added fuel savings and a law of this nature would certainly have to be changed. He also said it is impossible to shorten the length of Christmas vacations.

Glen Drake, representing the Association of County School Superintendents, presented a statement in opposition to the bill (attachment #1). He further testified that his ten year old son had asked for the bill to be amended for a dismissal date no later than January 1.

Dave Sexton, representing the Montana Education Association, stated the Board of Directors of the MEA opposes the bill for several reasons:

1. It interferes with the established school calendars which, in some cases, have been negotiated in local contracts;
2. Some years the date of Labor Day is quite late and pushes the dismissal date far into June;
3. While it is convenient for some people to start late, some need to finish early such as teachers who want to attend university summer classes.

Chad Smith, representing the Montana School Boards Association, stated his opposition to the bill. He said the bill affects local control and as long as pupil-instruction days are met, the days should be scheduled at the convenience of all concerned, i.e. parents, children, teachers, and administrators. He felt the bill would cause a lot of inconvenience.

There being no further opponents, Senator Blaylock closed by saying the important people, the parents, support the bill. They are the local control and they pay for the schools. He said with a little ingenuity, the instruction days can be fit in. He said parents didn't push us to the 187 attendance days we have at present. He felt 180 quality days are better than 187 "spatter-shot" days of school.

After a brief discussion by members of the committee, the hearing was closed on Senate Bill 137.

EXECUTIVE SESSION

ACTION ON SENATE BILL 154

Senator Brown left the committee room to present a bill. Senator McCallum presided.

Senator Mazurek expressed some concern about the term "emergency situation" not being defined. Senators McCallum, Severson, and Hammond expressed the opinion that the local trustees had to be left some discretion and Senator Haffey stated he felt the provision for notice of personnel in the case of an emergency would preclude any problem.

Senator Blaylock moved the amendments to Senate Bill 154 (as per the attached standing committee report #2). The motion carried unanimously with Senators Brown, Smith, and Thomas absent.

Senator Hammond moved Senate Bill 154 DO PASS AS AMENDED. The motion carried unanimously with Senators Brown, Smith, and Thomas absent.

Senator Thomas joined the committee.

ACTION ON SENATE BILL 237

Senator Blaylock moved Senate Bill 237 DO PASS. The motion failed with Senators Thomas and Blaylock voting yes.

Senator Severson moved Senate Bill 237 DO NOT PASS. The motion carried with Senators Thomas and Blaylock voting no.

Senator Mazurek presented a draft of a proposed committee bill suggested by Lewis and Clark Superintendent of Schools Richard Trerise (attachment #3). He asked the committee members to

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reveiw it for discussion at a further time.

There being no further business, the meeting adjourned at 1:55 p.m. to hear a presentation by Mr. Rod Svee, Superintendent of Schools, Wolf Point, on the foundation program.

Bob Brown
Senator Bob Brown, Chairman

jdr

SENATE COMMITTEE ON EDUCATION AND CULTURAL RESOURCES

BILL SUMMARY
FEBRUARY 4, 1981

Senate Bill 237 Senator Blaylock, Sponsor

This bill would encourage school districts to wait until the day after Labor Day to begin pupil-instruction days. If such days were conducted before Labor Day, the school district would not receive foundation funds for just those days and the total foundation amount would be reduced by 1/180th for each day before Labor Day. According to law, a district must conduct at least 180 days during the school year to receive any foundation funds at all. If a district wanted full foundation support, the trustees would need to schedule 180 days after Labor Day.

ROLL CALL

SENATE EDUCATION COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date 5-11-81

NAME	PRESENT	ABSENT	EXCUSED
Senator Ed Smith			
Senator George McCallum			
Senator Elmer Severson			
Senator Swede Hammond			
Senator Chet Blaylock			
Senator Bill Thomas			
Senator Joseph Mazurek			
Senator Jack Haffey			
Senator Bob Brown, Chairman			

Each day attach to minutes.

SENATE

VISITORS' REGISTER

DATE 2/4/81

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY

NAME: Mike D. Smith DATE: 2/4/71

ADDRESS: 10 Woodland Dr. ENH

PHONE: 227-3451

REPRESENTING WHOM? SELF & SPOUSE

APPEARING ON WHICH PROPOSAL: SB 271

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Wish to see that school doesn't
start until after Labor Day

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Michelle M. Sassano DATE: FEB 4 '81

ADDRESS: 125 BRIARWOOD LANE

PHONE: 442-2920

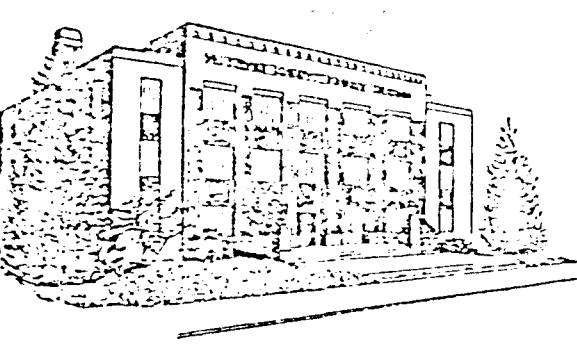
REPRESENTING WHOM? SELF

APPEARING ON WHICH PROPOSAL: SB 237

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY



State of Montana
COUNTY OF GALLATIN



Bozeman
February 2, 1981

SENATE BILL 237

1. It takes away local control. Districts want to be able to start school when they want to.
2. On years like 1981 September 7 is Labor Day. This makes schools almost one week late in starting.
3. PIR days before school starts are needed for orientation of new teachers to the system.
4. To put in more PIR days after Labor Day pushes the closing of school later into June. This delays the finding of actual ANE until later making it difficult for the county superintendent to inform the districts of how much money they will have to budget for the coming year.
5. There are a number of vacation days the first half of the year and nothing but a spring break for the remainder of the year. Starting earlier in the year gives more PI days before January 1st thus shortening the remainder of the time. When the days get warm in the spring children want to be outside and not couped up in a classroom.

STANDING COMMITTEE REPORT

February 4, 1981

MR. PRESIDENT

We, your committee on EDUCATION AND CULTURAL RESOURCES

having had under consideration SENATE Bill No. 237

Respectfully report as follows: That SENATE Bill No. 237

DO NOT PASS
~~BEYOND~~

February 5,

1981

MR. PRESIDENTWe, your committee on EDUCATION AND CULTURAL RESOURCEShaving had under consideration SENATEBill No. 154Respectfully report as follows: That SENATE Bill No. 154

be amended as follows:

1. Title, line 4.

Following: "ACT"

Strike: "AMENDING THE OPEN MEETING LAW"

2. Title, line 6.

Following: "PUBLIC"

Insert: "AND PROVIDING FOR EMERGENCY MEETINGS BY TRUSTEES OF A
SCHOOL DISTRICT"

3. Page 2.

Following: line 6

Insert: "(4) In the event of an emergency situation, the
trustees of a district may meet at the earliest time that
a majority of the trustees' membership can assemble."

Renumber: all subsequent subsections

continued

XXXXX
DO PASS

Chairman.

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Senate Bill 154

Senate Committee on Education and Cultural Resources

4. Page 2, line 8.

Following: "meeting"

Strike: "or"

Insert: ", "

5. Page 2, line 9.

Following: "special meeting"

Insert: ", or an emergency meeting"

6. Page 2, line 16 through page 4, line 4.

Following: "Section 2."

Strike: Sections 2 and 3 in their entirety

Insert: "Notice of meetings of board of trustees of a school district. (1) The board of trustees of a school district as defined in 20-6-101 shall give notice of regular meetings in the following manner:

(a) by posting a notice of the meeting at least 48 hours before the meeting on the main door of the building in which the school district administration office is located. If there is no such administration office, the notice must be posted on the main door of the principal school building in the district;

(b) by providing a copy of the notice at least 48 hours before the meeting to a daily newspaper of general circulation in first-class districts;

(c) by providing a copy of the notice in time for publication prior to the meeting in a weekly newspaper of general circulation in second-class and third-class districts;

(d) by including in the notice of the meeting the place, time, and intended agenda of the meeting; and

(e) by delivering written notice of the meeting at least 48 hours before the meeting to any individual who is scheduled to be the subject of discussion or action at any meeting.

(2) The board shall give notice of special meetings in the manner provided in (a), (d), and (e) of subsection (1).

(3) In the event of an emergency situation as provided in 20-3-322 (4), no public notice is required; however, the trustees shall contact any individual who is to be the subject of discussion or action at such an emergency meeting.

(4) At a regular or special meeting of the board of trustees, the trustees may take action only on the agenda items that were announced in the notice required by subsections (1) and (2), except that the board may act on nonpersonnel-related items if such items are raised spontaneously in good faith.

continued

Senate Bill 154

Senate Committee on Education and Cultural Resources

Section 3. Codification Instruction. Section 2 is intended to be codified as an integral part of Title 20, chapter 3, part 3, and the provisions of Title 20, chapter 3, part 3 apply to section 2."

And, as so amended,
DO PASS

AN ACT TO AMEND SECTION 20-9-302, MCA.

20-9-302. School isolation. (1) The trustees of any district operating an elementary school of less than 10 ANB or a high school of less than 25 ANB for two consecutive years shall ~~annually~~ apply to have the school classified as an isolated school. The application shall be submitted by the trustees to the county superintendent by May 1 each year. Such application shall include:

(a) the name of each pupil who will attend the school during the ensuing school fiscal year with the distance the pupil resides from the nearest county road or highway;

(b) a description of conditions affecting transportation such as poor roads, mountains, rivers, or other obstacles to travel, the distance the school is from the nearest open school having room and facilities for the pupils of such school, or any other condition that would result in an unusual hardship to the pupils of the school if they were transported to another school; and

(c) any other information prescribed by the superintendent of public instruction.

(2) The county superintendent shall submit the applications to the board of county commissioners (budget board) for their consideration on or before May 15. The budget board shall approve or disapprove the application on the basis of the criteria established by the superintendent of public instruction. The budget board also may approve an application because of the existence of other conditions which would result in an unusual hardship to the pupils of such school if they were transported to another school.

(3) When an application is approved, the county superintendent shall submit such application to the superintendent of public instruction before June 1. The superintendent of public instruction shall approve or disapprove such application for isolated classification by the fourth Monday of June on the basis of the information supplied by the application or objective information the superintendent of public instruction may collect on his own initiative. No elementary or high school shall be considered an isolated school until the approval of the superintendent of public instruction has been received.

History: En. 75-6608 by Sec. 206, Ch. 5, L. 1971; amd. Sec. 1, Ch. 212, L. 1973; R.C.M. 1947, 75-6608.

The purpose of this amendment is to relieve the financial burden placed on a small district when it is forced to apply for isolation and turned down.

When that happens, districts must pick up one half of the foundation program from a district levy. By amending this section of school law to two consecutive years, a number of things are accomplished.

1. A truer indication of a declining enrollment in a district is obtained.
2. In a stable rural community such as Craig where the ANB has traditionally been between 10 and 20, one family moving can temporarily send the ANB below 10. This amendment would compensate for that.
3. It would remove the pressure to abandon or consolidate the district when the ANB could easily be higher the next year.

Seven districts were affected last year at a total cost to them of \$36,965.60. The districts were:

<u>DISTRICT</u>	<u>COUNTY</u>	<u>TAXABLE VALUATION</u>	<u>MILLAGE INCREASE</u>
1. Crow Creek	Broadwater	\$ 826,871	6.38
2. Deep Creek	Cascade	678,653	7.78
3. Davey	Hill	1,884,358	2.80
4. Craig	Lewis and Clark	761,585	6.93
5. South Stacey	Powder River	176,882	29.85
6. Horkan Creek	Powder River	324,482	16.27
7. Molt Joint District	Stillwater & Yellowstone	784,311 279,369	
(Total - 1,063,680)			