

MINUTES OF THE MEETING OF THE HOUSE EDUCATION AND CULTURAL  
RESOURCES COMMITTEE  
February 11, 1983

The meeting was called to order at 12:30 p.m. by Chairman Daily. Roll call was taken and all committee members were present except Representative Yardley, who was excused.

Testimony was heard on HB 508, HB 653, HB 657 and HB 683 during this meeting. Executive action was taken on HB 653 and HB 657.

Vice-Chairman Kennerly took over as acting chairman.

HOUSE BILL 683

REPRESENTATIVE FRITZ DAILY, District 87, chief sponsor of the bill, said HB 683 is a bill he introduced as a result of a meeting in Butte-Silver Bow after the Atlantic Richfield Company announced the suspension of operations in Butte. Shortly after that announcement, Governor Schwinden attended a meeting with the officials of the Atlantic Richfield Company to discuss the effects of the closure. The Governor then held a meeting in Butte, with city officials, to explain the results of his Denver meeting.

It was announced by Jim Marvin, President of the Anaconda Company, that the closure was really not a closure but a suspension of operations. He stressed that when the price of copper begins to rise again the Atlantic Richfield Company will open up mining in Butte. It is the company's contention that the economy of this country has to turn around before it is profitable to open the mine in Butte again. It is also their projection that this will not happen for at least two years. It is the feeling of the Governor, also, that it will not happen for at least two years. The Governor has not included any revenue from ARCO in the executive budget for the next biennium.

REPRESENTATIVE DAILY said it was felt that the people of Butte should not overreact to the suspension announcement. He said the people of Butte want to move ahead and diversify the economy in Butte-Silver Bow. In order to do that, the school system and local government of Butte has to be kept intact.

REPRESENTATIVE DAILY offered to the committee a copy of the estimate of tax loss and revenue as a direct result of suspension of the mining operation. The estimate covers local government only. The tax loss will be \$446,000 for 1983-84, \$833,000 for 1984, and \$1,220,000 for 1985. Representative Daily said you double those figures to come up with the tax loss for the school system.

Hopefully the mining operation will be opened in two years and during the meantime, Butte can keep its school system intact. If not, Butte will be looking to other forms of economic development. This bill will guarantee, to Butte-Silver Bow and Anaconda, the same number of ANB payments that have been paid in the last year. That would be one way to keep the school system intact and make Butte-Silver Bow a viable community in Montana.

### Proponents

MR. WILLIAM MILLIGAN, Superintendent of School District 1, Butte, said previous testimony in support of HB 544 and HB 566 stressed: 1) School District 1 needed at least a 10.5% increase in foundation support in order not to increase the amount of special levies; 2) the number of mills needed would increase due to the loss of Anaconda Company's tax revenue; 3) during the past biennium School District 1 has reduced property taxes; and 4) the district has a policy in which budgetary increases will not exceed the annual inflationary percent.

There are certain facts that should be considered. They are:

1. Revenue loss from Anaconda's suspension of operation will amount to \$7,065,321 over the next four years. (1983-1987)
2. Revenue loss for Debt Service, alone, will be \$480,019.
3. General Fund Revenue loss will be \$3,793,755.
4. The district is estimating a 16% reduction in student population. (1983-1986)
5. The district will continue to undergo a program of cost containment as it has done over the past 12 years.

MR. MILLIGAN passed out copies of EXHIBIT 1 which shows calculations on the impact of HB 683 on the state and school district, together with the impact of the Anaconda suspension on the school district. He went over that handout with the committee.

DAN MARINKOVICH, Superintendent of the Anaconda Public Schools, told the committee Anaconda has been dramatically hit, economically, since 1980 with the closure of the Anaconda smelter. The ANB has fallen so drastically that even with a 9% increase in the Foundation Program, Anaconda would still lose Foundation Program dollars compared to last year. This is magnified when you look at the taxable valuation of the county. It will drop another \$2.5 million next year. You all know what this does to the local mill. From 1977 to 1983, the taxable valuation of Deer

Lodge County will drop from \$21 million to \$10 million. This is approximately 55%. In other words, what one mill would bring on the local level six years ago now takes two mills. This places a greater burden on the individual taxpayer as the only industry the county had is being dismantled and removed from the tax rolls.

If the Foundation Program is not raised, or a zero increase is given, Anaconda will lose \$351,000. If the Foundation Program is increased 5%, there will be a loss of \$210,000. If the program is increased by 7%, there will be a loss of \$123,000 and if the program is increased by 9%, there will be a loss of \$59,000.

The layoffs in Butte will put an additional 288 Anaconda people out of work which will make it necessary for them to seek employment elsewhere. This will result in an increase in the drop of enrollment which further decreases the ANB in the next biennium, causing a further reduction in Foundation Program monies.

Mr. Marinkovich asked for this committee's kind consideration for relief due to this declining enrollment loss. (See EXHIBIT 2.)

BUD MALEE, representing the Montana Federation of Teachers, said he supports HB 683. Mr. Malee asked for a favorable consideration of the bill.

There were no opponents testifying on HB 683.

REPRESENTATIVE DAILY, in closing, said this bill is just one of several groups of bills that the Butte-Anaconda legislative delegation is sponsoring to offset some of the losses in the Butte-Anaconda area as a result of the closure and suspension of the mining operation. The suspension and closure of the mining operation is by far the biggest economic disaster Montana has ever experienced. Representative Daily said Butte and Anaconda are in trouble and need help.

Questions from the committee were heard at this time.

REPRESENTATIVE EUDAILY asked if there is a fiscal note on HB 683. Representative Daily said the budget office is preparing a fiscal note but it is not done yet.

REPRESENTATIVE EUDAILY said there are no hard facts on the declining enrollment at this time. He asked if it would be possible to have a stipulation, for the state's protection, that as the enrollment declines, a certain percentage of the money would be appropriated but if the enrollment does not decline, then no money will be appropriated. Mr. Milligan said they have a very good idea of the enrollment for next year and the money is needed.

REPRESENTATIVE PECK asked how he could justify voting for school relief for Butte-Anaconda when there are other areas impacted by low income, for example, and also need financial assistance. Representative Daily said we are not only talking about declining enrollments but also about a drastic cut in the tax base. The property tax base will be gone. The gross proceeds tax is a 3% tax on the gross profits of a corporation. That is part of the property tax payment to communities. That will also be gone.

REPRESENTATIVE HAMMOND said the value of a mill for Butte is 43.733, for 1983-84. In Mineral County, one mill is equal to \$750. It would take 62 mills to raise as much as Butte's one mill raises. Mr. Milligan said comparable school districts raise almost four times the amount, per mill, as Butte.

REPRESENTATIVE SANDS asked how the teachers' salaries in Butte compare with salaries in other school districts around the state. Mr. Milligan said the average salaries range from \$22,000 to \$24,000 per year. Butte's average teaching salary is \$22,500.

REPRESENTATIVE DAILY said the last legislative session was generous in providing help to school districts. There was a 15-18% increase in the foundation schedule. Butte negotiated an agreement with their teachers that provided for a 3% increase in wages. The Billings school district negotiated a 15% increase in wages and Missoula negotiated a 16% increase in wages. Butte-Anaconda has tried to contain costs.

REPRESENTATIVE DAILY said Montana State University is doing a study on the school system in Butte-Silver Bow. They are projecting that the tax loss will drop \$5 million. Montana State University is in the process of recommending that another five schools be closed.

REPRESENTATIVE SANDS said the teachers in Billings said even with a 15% increase in wages, their salaries are still lower than salaries across the state. He said he realized the increase in Butte was low but asked what the salary base was when the contracts were negotiated. Representative Daily said since 1978 the percentage of increase in Butte-Silver Bow has been less than all other schools. Billings has had a 38% increase, Helena and Great Falls have had increases over 30% and Butte has had a 27% increase.

REPRESENTATIVE QUILICI told the committee he wants to go on record in support of HB 683.

The hearing on HB 683 was closed.

## HOUSE BILL 508

REPRESENTATIVE KATHLEEN MCBRIDE, District 85, sponsor of the bill, said HB 508 is a bill that will generally revise the composition of the Montana State Library Commission. The commission was established in 1929 to provide information and to meet the informational needs of the state. The current commission is composed of the State Superintendent of Public Instruction, three members appointed by the Governor, and a librarian from the University of Montana. House Bill 508 would alter that structure. The bill would add two public employees appointed by the Governor and the appointment of a librarian from the university system, instead of just the librarian from the University of Montana. The bill will also allow the Superintendent of Public Instruction to name a designee from his office to serve in his place, when necessary, on the commission.

### Proponents

HENRY MCCLERNA, representing the Library Commission, said the reason for adding two additional citizens members is that it would allow for more public participation in making policies. The designee from the Office of Public Instruction would provide more flexibility for the Superintendent of Public Instruction. The change in the university system representative would provide for a changing viewpoint from the university system libraries.

SHEILA CATES, representing the Office of Public Instruction, said they support the idea of increasing the size of the commission. The Office of Public Instruction also supports the section allowing for the appointment of a designee from that office.

J. D. HOLMES, representing the Montana Arts Advocacy, said he supports HB 508.

DENNIS FREDRICKSON, representing the Montana Library Association, said he supports the bill, which provides for greater leadership to the libraries of the state.

There were no opponents testifying on HB 508.

REPRESENTATIVE MCBRIDE closed her presentation on HB 508.

Questions from the committee were heard at this time.

REPRESENTATIVE EUDAILY asked when the Governor will appoint the three new members to the commission. Representative McBride said those appointments will be made during the meeting scheduled for late April, 1983.

REPRESENTATIVE KADAS asked if there are any problems with the

five-year terms. He was told there have been no problems.

REPRESENTATIVE EUDAILY asked if it would be better to appoint members to the commission on a three-year basis. Representative McBride said the change from three years to five years was to accommodate new members and regulate the pattern of transition. She said she would have no problem with this committee changing the five-year terms back to three years.

The hearing on HB 508 was closed.

#### HOUSE BILL 653

REPRESENTATIVE JACK SANDS, District 68, sponsor of the bill, said HB 653 was requested by the Office of Public Instruction and is strictly a housekeeping bill. House Bill 653 would simply conform the law to the way the system works now. House Bill 653 deals with high school tuition when a student wishes to change from one high school district to another. The law is unclear as to what it does. The amended section would read, "The trustees of the district of residence, the trustees of the district in which the child wishes to attend school, and the county superintendent are the approval agents for tuition to another high school within the county. The county superintendent of the county of residence is the approval agent for attendance outside the county."

#### Proponents

BOB STOCKTON, representing the Office of Public Instruction, said a few years ago, a child could go to any high school he wanted to without paying tuition. If the child went to a high school out of his county, the superintendent would approve that transfer and the tuition was paid from the county's funds. A bill was introduced to make tuition within the county. This bill will clean up the language on who is the approval agent and who pays out of which fund.

There were no opponents testifying on HB 653.

REPRESENTATIVE SANDS said HB 653 only concerns transfers within a county.

The hearing was closed on HB 653.

#### HOUSE BILL 657

REPRESENTATIVE JACK SANDS, District 68, sponsor of the bill, said HB 657 was requested by the Office of Public Instruction. House Bill 657 is an act to provide that an applicant for an administrative or supervisory teacher certificate who is otherwise qualified may be issued the administrative or supervisory

certificate if he is eligible for but not a holder of a teacher certificate endorsed for teaching in the school in which he would be an administrator or supervisor.

#### Proponents

ROD SVEE, Assistant Superintendent of Public Instruction, spoke in support of HB 657. This bill would clear up a procedural thing. It is the current practice and has been for years.

ROBERT RUNKLE, a school psychologist for the Helena rural schools, said he is in favor of HB 657 for the removal of the redundancy of certification. It is a step in the right direction towards the recognition of a specialist certificate and other potential roles that school psychologists may serve in the district.

There were no opponents testifying on HB 657.

Questions from the committee were heard at this time.

REPRESENTATIVE EUDAILY asked how you can issue an administrative certificate to someone who is not a holder of a teaching certificate. Mr. Svee said that has been a total oversight. They did not become aware that they were doing it contrary to the present law until last fall. He said we are simply bringing the law into what has been practiced in the past.

REPRESENTATIVE SCHYE said a teacher has to go back to school every five years and get more credits. A principal does not have to do that. He asked if he wanted to renew his administrator certificate, would he have to go back to school to get more credits. Representative Daily said in order to have an administrator certificate, you have to have a masters degree from college. If you have a masters degree, you do not have to go back to school.

The hearing was closed on HB 657.

CHAIRMAN DAILY called the meeting into Executive Session.

#### EXECUTIVE SESSION

##### House Bill 657

REPRESENTATIVE SANDS moved HB 657 DO PASS.

The motion was voted on and PASSED. All committee members present voted yes except Representatives Eudaily and Nisbet, who voted no.

##### HOUSE BILL 653

REPRESENTATIVE SANDS moved HB 653 DO PASS.

The motion was voted on and PASSED unanimously.

House Bill 508

REPRESENTATIVE LORY said an amendment is needed for HB 508 to change the five-year terms to three-year terms.

CHAIRMAN DAILY said this committee will hold action on HB 508 until the amendments have been written up.

House Bill 395

CHAIRMAN DAILY asked how the subcommittee dealing with the tenured teachers bills was doing.

ANDREA MERRILL, Legislative Researcher from the Legislative Council, passed out copies of amendments to HB 395. (See EXHIBIT 3.) She also passed out copies of a letter from John Board, President of the Montant Education Association, concerning teacher tenure. (See EXHIBIT 4.)

REPRESENTATIVE SANDS told the committee members that the subcommittee dealing with HB 395, HB 396 and HB 591 will recommend this committee table HB 396 and HB 591 and adopt the amendments to HB 395, which address issues raised with the three bills.

REPRESENTATIVE SANDS went through the proposed amendments with the committee.

REPRESENTATIVE SANDS said if a teacher's contract is not renewed, the local school board will hold a hearing and there will not be a hearing with the county superintendent.

REPRESENTATIVE SANDS said services of a tenure teacher may be terminated for the following reasons: 1) the reasons described for dismissal under 20-4-207; 2) failure to promote acceptable levels of student achievement as outlined in the adopted policies of the trustees; 3) failure to adequately maintain student control and discipline as outlined in the adopted policies of the trustees; and 4) the financial condition of the school requires such reduction, and there are no teaching responsibilities being performed by a nontenure teacher if so qualified.

REPRESENTATIVE SANDS went over the review process once the school board makes a decision. Whenever the trustees of any district resolve to hear a case of tenure teacher nonrenewal, they shall notify the teacher in writing before May 1 of such a hearing. The notice of hearing shall contain a statement declaring clearly and explicitly the specific reasons for the proposed action. Any administrative or judicial review of a decision made by the



trustees under this section shall be in accordance with the provisions of 2-4-704.

REPRESENTATIVE SANDS went over page 3 of EXHIBIT 3 and said when the trustees notify a nontenure teacher of nonrenewal, the teacher may, within 10 days after receipt of such notice, make written request of the trustees for a statement of reasons for such nonrenewal. Within 10 days after receipt of the request, the trustees shall furnish a written statement to the teacher declaring clearly and explicitly the specific reason or reasons for the nonrenewal. This statement shall be confidential and not a part of the record of the meeting at which the action was taken. The statement shall be final and conclusive disposition of the matter, which shall not be subject to review.

REPRESENTATIVE SANDS said people have expressed problems with having immorality as a reason for a teacher's dismissal. There is an amendment to HB 395 that will further define immorality as immorality that directly affects the performance by the teacher of any duties as a teacher.

REPRESENTATIVE SANDS said the subcommittee also proposes to reduce the probation period, for tenure teachers, from four years to three years.

REPRESENTATIVE EUDAILY said he has a problem with restricting cause for dismissal to the two reasons stated in (b) and (c) of amendment eight on page 2 of the handout. He suggested inserting "include but not be limited by" and then list the reasons. Representative Sands said he would have no problems with inserting that language. Representative Schye said you could open up reasons of dismissal by inserting the word "limited".

CHAIRMAN DAILY asked for an opinion from John Board, President of the Montana Education Association, concerning the amendments.

MR. BOARD said if he understands the intent of amendment 12 on page 3 of the handout, he thinks that is already in the law now. Representative Sands said it is basically the same as what is in the current law. Under current law, the trustees do not notify the teacher with a statement of reasons for nonrenewal of a contract.

MR. BOARD referred to the part of the amendment that says, "final and conclusive disposition of the matter, which shall not be subject to review." He said that practice would take away a person's privilege of wanting to fight the decision. He asked if the final decision could not be reviewed by the courts.

REPRESENTATIVE SANDS said the practice will preclude justification of the reasons put in the statement of reasons for nonrenewal.

That practice deals with nontenured teachers. The nontenured teachers did not like the situation where their contracts were not being reviewed. Those people felt it was not appropriate for every teacher to be tenured. To provide them with a statement of why they were terminated is a fair procedure. The statement of reasons for nonrenewal is written only at the request of a teacher and that statement will not be given out to anyone but the teacher.

WAYNE BUCHANAN, representing the Montana School Boards Association, said this subcommittee has done excellent work. However, he said he did not like the proposal of reducing the probation period. He said the amendments do not really change anything, they just spell things out a little better.

REPRESENTATIVE EUDAILY asked if the fact that the statement is confidential and not a part of the record of the meeting at which the action was taken would be an infraction of the open meeting law. Representative Sands said that section was added at the request of the School Boards Association. He said he does not know if it would be a violation of the open meeting law. He said he assumed it would not be. There would be a record of what transpired in the meeting but that record would be available only to the teacher in question.

REPRESENTATIVE KEENAN said (b) and (c) on page 2 of the handout is a competency testing setup with a big responsibility for the trustees. She said a lot of the trustees are not educators. Those people will be setting policies for acceptable levels of achievement for students. Representative Keenan said she did not like the idea of having people who are not educators being able to set policies on how an educator should run a class and if those acceptable levels of achievement are not accomplished, the educator could be subject to termination. Representative Hammond said he has the same kinds of problems with that issue. He asked for any suggestions as to how the subcommittee could better deal with termination of a tenured teacher.

REPRESENTATIVE KEENAN said we do not tell other professionals how to run their businesses but yet we are willing to dismiss educators who do not meet policies set up by people who know nothing about the teaching profession.

REPRESENTATIVE PECK said the recommendations proposed by the subcommittee are better than what is contained in the law now and if there are problems with what is being proposed, the next legislature can change it.

CHAIRMAN DAILY said the School Boards Association must not think the termination policy is a very serious problem because they have not put in a bill to deal with that matter. He also said

this is a complicated area and the proposals given are substantial. This committee should not make those changes without having some kind of hearing to let educators address those issues.

REPRESENTATIVE SCHYE said this committee has not had enough time to go over the proposed amendments.

REPRESENTATIVE DONALDSON said he thinks this is a serious matter because the general public has expressed dissatisfaction with the quality of education. We cannot ignore these problems. This committee should take time and look at the issues.

The committee discussed the possibility of introducing a committee bill to deal with this problem.

REPRESENTATIVE PECK moved to POSTPONE ACTION on this subject until Monday.

CHAIRMAN DAILY said this committee will hold action on HB 395, HB 396, and HB 531 for the day.

The motion was voted on and PASSED.

CHAIRMAN DAILY referred committee members to their copies of EXHIBIT 5, which is a request from Representative Hand for a committee bill dealing with the use of private vehicles used for transportation of students to and from school activities.

REPRESENTATIVE HAMMOND moved this committee request a committee bill to deal with the use of private vehicles used for transportation of school children to and from school activities.

REPRESENTATIVE HANNAH spoke against the proposed committee bill. He said this is a dangerous area to get into as far as liability to the school.

CHIP ERDMAN, representing the Montana School Boards Association, said the proposed committee bill does not address insurance liability. It addresses the problem of people transporting school children to and from school activities. The bill would enable us to conform to what other states are doing and exempt over-the-road coaches from the definition of school bus.

REPRESENTATIVE HAMMOND'S motion was voted on and PASSED. All committee members present voted yes except Representatives Kitselman and Eudaily, who voted no.

CHAIRMAN DAILY asked Ms. Merrill to draft a committee bill.

The meeting was adjourned at 2:45 p.m.

  
FRITZ DAILY, Chairman

  
Vicki Lofthouse, Secretary

Butte Public Schools

Office of the Superintendent

Phone 782-8315

Butte, Montana 59701.

February 10, 1983

Representative Fred Daily, Chairman  
House of Representatives Education Committee  
Capitol Station  
Helena, Montana 59601

Re: House Bill 683

Dear Chairman Daily and Committee Members:

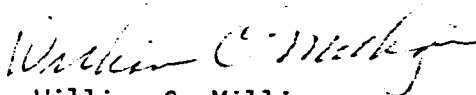
Previous testimony in support of House Bill 544 and House Bill 566 stressed, (1) School District No. 1 needed at least a 10.5 increase in foundation support in order not to increase the amount of special levies; (2) the number of mills needed would increase due to the loss of Anaconda Company's tax revenue; (3) the past biennium School District No. 1 has reduced property taxes; and, (4) the district has a policy in which budgetary increases will not exceed the annual inflationary percent.

There are certain facts which should be considered. These are:

1. Revenue loss from Anaconda's suspension of operation will amount to \$7,065,321 over the next four years (1983-1987).
2. Revenue loss for Debt Service alone \$480,019.
3. General Fund Revenue Loss is \$3,793,755.
4. The district is estimating a 16% reduction in student population (1983-1986).
5. The district will continue to undergo a program of cost containment as it has done over the past 12 years.

Attached are calculations on the impact of HB 683 on the state and school district together with the impact of the Anaconda suspension on the school district.

Sincerely,



William C. Milligan  
Superintendent

WCM/es  
attachements

# A. A.N.B. PROJECTION 1983-86

## High School

			Actual	House Bill 683
1982-83 Enrollment	2036	1983-84 A.N.B.	2085	2085
1983-84 "	1895	1984-85 A.N.B.	1942	2085
1984-85 "	1759	1985-86 A.N.B.	1803	2085
1985-86 "	1687	1986-87 A.N.B.	1729	1803

## Elementary

1982-83 Enrollment	4461	1983-84 A.N.B.	4311	4311
1983-84 "	4174	1984-85 A.N.B.	4044	4311
1984-85 "	3939	1985-86 A.N.B.	3807	4311
1985-86	3748	1986-87 A.N.B.	3608	3807

# B. IMPACT OF HB 683

Elementary	1983-84	1984-85	1985-86	1986-87	
HB 683	6,776,942	7,183,558	7,614,571	7,181,302	
Regular	6,776,942	6,722,049	6,731,459	6,783,964	
HB 683	Biennium	13,960,500		14,795,873	
Regular		13,498,991		13,515,423	Total
		461,509	+	1,280,450	= \$1,741,959

## High School

HB 683	4,080,690	4,325,531	5,485,063	4,241,183	
Regular	4,080,790	4,096,004	3,999,475	4,075,465	
HB 683	Biennium	8,406,221		8,826,246	
		8,126,694		8,074,940	Total
		279,527	+	751,306	= \$1,030,833

# C. COMPARISON - Tax Loss and HB 683

## Anaconda Tax Loss

1983-84	1984-85	1985-86	1986-87
\$736,873	\$1,375,364	\$2,013,449	\$2,939,635

## HB 683 Increase

1983-84	1984-85	1985-86	1986-87
-0-	\$ 741,036	\$1,468,700	\$ 563,056

A. High School District (without Special Ed)

	<u>1982-83</u>	<u>1983-84</u>	<u>1984-85</u>	<u>1985-86</u>	<u>1986-87</u>
Budget	5,454,895	5,383,218	5,295,364	5,382,949	5,443,453
F.P.	3,934,220	4,080,790	4,325,531	4,485,063	4,241,183
Voted	1,520,675	1,302,428	969,833	897,886	1,203,270
Value of Mill	46,639	43,733	41,218	38,699	36,333
Voted Mills	32.60	29.78	23.53	23.20	33.09
Voted Mills <sup>vsc</sup> Ed	2.25	4.28	7.12	7.58	8.09
Total Voted	34.85	34.06	30.65	30.81	41.18

Anaconda Tax Loss

Gen. Fund	-0-	94,717	176,711	258,823	375,293
Post. Sec.	-0-	6,595	12,304	18,022	26,132
Debt Service	-0-	33,819	63,095	92,414	134,000
Other	-0-	11,011	20,544	30,091	43,632
		<u>146,142</u>	<u>272,654</u>	<u>399,350</u>	<u>579,057</u>
Added Mills		1.03	2.03	3.17	4.89

B. Elementary (without Special Ed)

Budget	11,222,406	11,134,422	11,141,547	11,243,157	11,572,131
F.P.	6,472,934	6,776,942	7,183,558	7,614,571	7,181,302
Voted	4,749,472	4,357,480	3,957,989	3,628,586	4,390,829
Value of Mill	43,595	40,690	38,175	35,656	33,290
Voted Milles	108.95	107.09	103.68	101.77	131.90

Anaconda Tax Loss

Gen. Fund	-0-	303,065	565,419	826,154	1,193,573
Debt Service	-0-	15,108	28,187	46,284	67,112
Other	-0-	22,198	41,414	60,657	87,953
		<u>340,371</u>	<u>635,020</u>	<u>933,095</u>	<u>1,348,638</u>
Added Mills		0.92	1.82	3.00	4.66

Table 3. Annual Enrollment Changes by Grouped Grade Levels, 1973-1982.

Note: All figures include special education students.

Year	Total Enrollment	K-6	Junior High	Senior High
1973	9768	5648	2145	1975
1973-74	-2.0	-3.7	+1.3	+0.5
1974	9575	5438	2172	1965
1974-75	-6.5	-7.1	-9.0	-1.8
1975	8958	5052	1965	1930
1975-76	-5.5	-5.5	-10.5	-0.5
1976	8464	4775	1768	1921
1976-77	-3.1	-1.8	-7.4	-1.4
1977	8199	4687	1637	1875
1977-78	-5.8	-8.9	-0.8	-2.5
1978	7722	4270	1623	1829
1978-79	-6.1	-5.3	-2.4	-11.2
1979	7254	4045	1584	1625
1979-80	-2.8	-3.9	-3.1	-0.1
1980	7048	3889	1535	1624
1980-81	-4.3	-5.4	-5.5	-0.4
1981	6746	3679	1450	1617
1981-82	-1.8	-2.0	-2.6	-1.1
1982	6619	3606	1413	1600
1973-82	-32.2	-36.2	-34.1	-19.0

Note: The year-to-year percentage changes above reflect all causes of enrollment declines. For our purposes, these causes can be grouped into three: (1) declining birth rates throughout the late 1960s and 1970s (which primarily affect K-6 enrollments); (2) movement out of the community of families with children (which affects enrollment at all grade levels); and (3) dropout rates (which primarily affect Senior High enrollments).

Changes that are due to past declines in birth rates can be eliminated from the table to better understand the combined effects of outmigration and dropouts. This is done in Table 4. See also the notes on that table.



Table 4. Survival Ratios by Grades, Butte Public Schools, 1973-74 to 1981-82.

Year <sup>1</sup>	K to 1	1 to 2	2 to 3	3 to 4	4 to 5	5 to 6	6 to 7	7 to 8	8 to 9	9 to 10	10 to 11	11 to 12
1973 to 1974	110.4	95.6	97.7	96.8	100.6	101.3	83.0	97.8	102.8	99.0	89.1	86.0
1974 to 1975	102.6	90.3	91.7	94.7	94.5	94.8	72.4	93.4	96.3	95.3	88.2	90.1
1975 to 1976	105.5	93.1	96.3	97.3	96.6	97.7	71.9	91.9	96.3	98.4	92.7	91.1
1976 to 1977	111.1	93.0	97.6	96.7	98.0	101.6	76.8	92.4	105.6	99.9	90.0	91.8
1977 to 1978	93.8	89.1	92.8	94.6	94.9	96.0	78.3	91.1	107.4	104.4	96.3	94.5
1978 to 1979	97.6	91.2	101.4	94.1	100.5	98.6	76.1	94.8	111.3	101.7	84.2	86.0
1979 to 1980	101.2	96.4	95.3	97.8	99.1	96.6	78.1	99.4	106.8	89.3	93.2	118.1
1980 to 1981	97.4	94.6	96.7	97.1	94.4	97.8	82.9	94.8	104.9	98.9	94.6	98.0
1981 to 1982	94.4	93.2	94.3	94.1	99.0	102.2	83.5	92.8	101.1	82.4	82.7	89.2
All Years	96.9 <sup>2</sup>	92.9	96.0	95.9	97.5	98.5	78.1	94.2	105.7 <sup>3</sup>	96.6	90.1	90.8 <sup>4</sup>

- Notes:
1. From Fall to Fall; thus, for example, from Fall, 1973, to Fall, 1974.
  2. 1977-78 to 1981-82 only.
  3. Average computed without 1974-75 and 1975-76.
  4. Average computed without 1979-80.

Table 5. Base-Line Enrollments Projection No1 1, Butte Public Schools, K-12, 1983-1990.

Grade	Kind.	One	Two	Three	Four	Five	Six	Seven	Eight	Nine	Ten	Eleven	Twelve
1982-3	529	526	491	439	468	500	584	460	464	461	522	540	513
1983-4	441	513	489	471	421	456	493	456	433	490	445	470	490
1984-5	435	432	477	469	452	410	449	385	430	458	473	401	427
1985-6	440	430	410	458	450	441	404	351	363	455	442	426	364
1986-7	414	436	425	406	439	439	434	316	331	384	440	398	387
1987-8	410	410	431	421	401	428	432	339	298	350	371	396	361
1988-9	406	406	406	427	416	399	422	337	319	315	338	334	360
1989-90	389	402	402	402	422	414	397	330	317	337	304	305	303
1990-91	373	385	398	398	398	420	412	322	311	335	326	274	277
	96.9	92.9	96.0	95.9	97.5	98.5	78.1	94.2	105.7	96.6	90.1	90.8	

1. This projection is based on the following assumptions:

- A. No further reductions in basic employment in Silver Bow County.
- B. Some proportion of families affected by past reductions have remained resident in the community because of the lack of opportunities elsewhere. By 1985, all of the families so affected will have secured satisfactory employment.
- C. Indirect (multiplier) effects of reductions in basic employment take more time to work their way through the services and retail trade sectors of the local economy. These effects will also be complete by 1985.

Note: Enrollment Projections to the left and below the shorter line are based upon the projections of fertility presented in Table 7.

Projections between the two lines are based upon survival ratios applied to children already born at the time of the preparation of this projection.

Projections to the right and above both lines are based upon survival ratios applied to children already enrolled in Butte Public Schools.

Table 6. Summary of Base-Line Projection No. 1, 1983-1990, by Grouped Grade Levels (Without Special Ed).

Year	Kinder- garten	First- Third	Fourth- Sixth	Junior High	Senior, High	Total K-12	
1982-83	529	1456	1552	1385	1575	6497	6.6%
1983-84	441	1473	1370	1379	1405	6069	6.1%
1984-85	435	1378	1311	1273	1301	5698	4.6%
1985-86	440	1298	1295	1169	1232	5434	3.4%
1986-87	414	1267	1312	1031	1225	5249	3.8%
1987-88	410	1262	1261	987	1128	5048	3.2%
1988-89	406	1239	1237	971	1032	4885	3.3%
1989-90	389	1206	1233	984	912	4724	2.1%
1990-91	373	1181	1230	968	877	4629	

Table 7. Population Aged 0-9 in 1980 Census of Population,  
Births 1971-1981, and Selected Primary Enrollments.

Births		Census, 1980			Kindergarten		
Year	Number	Age	Number	Percent	Year	Number	Percent
1971	769	9	607	78.9	1976	632	82.2
1972	752	8	609	81.0	1977	641	85.2
1973	646	7	543	84.0	1978	541	83.7
1974	688	6	492	71.5	1979	495	71.9
1975	585	5	536	91.6	1980	540	92.3
1976	628	4	517	82.3	1981	503	80.1
1977	620	3	519	83.7	1982	529	85.3
1978	550	2	538	97.6	1983	441	(80.1)
1979	559	1	511	91.4	1984	435	(77.8)
1980	585	0	556	95.0	1985	440	(75.2)
1981	550	Not Applicable			1986	414	(75.3)
1982	520				1987	410	(78.8)
1983	490				1988	406	(82.9)
1984	470				1989	389	(82.8)
1985	450				1990	373	(82.9)

Note: 1983-1986 Kindergarten Enrollments projected on the basis of average survival ratio, birth-to-kindergarten, 1976-78 and 1981-82.

1982-1985 Births projected on the basis of average 1981-82 K-3 decline and assumption of continuing effects of past employment reductions completed by 1985.

1987-1990 Kindergarten Enrollments are based on fertility projections.

## SUMMARY OF EMPLOYMENT

### I. Professional

#### A. General Fund

1. Classroom Teachers	337
2. Support	42

#### B. Other Instructional

1. Special Ed Elementary	30
2. Special Ed Secondary	25
3. Chapter I	9
4. Post Secondary/CETA/ABE	30

C. Administrative	<u>32 **</u>
Total Professional	505

### II. Classified

A. Clerical	56
B. Maintenance	4
C. Custodial (Eng. & Janitresses)	113
D. Food Service	41
E. Aides	89*
F. Transportation	<u>23</u>
Total Classified	326

Grand Total 831

- \*1. 15 Crossing Guards
- 2. 10 Chapter I
- 3. 16 Special Ed Aides
- 4. 2 Toolroom Aides
- 5. 2 Study Hall Aides
- 6. 9 Library Aides
- 7. 7 Bus Aides
- 8. 24 Lunchroom Aides
- 9. 4 Service Aides

- \*\*1. Superintendent
- 2. Assistant Superintendent
- 3. Clerk/Business Manager
- 4. 15 Principals
- 5. 2 Assistant Principals
- 6. 2 Dir/Ass't Dir. Vo Tech Center
- 7. 2 Directors Special Education
- 8. 1 Director of Curriculum
- 9. 1 Special Projects Dir. (Chapter I, etc.)
- 10. 1 Director Health Services
- 11. 3 Directors - Transportation, Food Service, Computer Serv.
- 12. 1 Director P.E. & Athletics
- 13. 1 Director Music Education

es

1/12/83

	K-6	7-9	10-12	K.
1. <u>Classroom</u>		East + West		
a. Regular	158	52	34	74.0
b. ALP	4	NA	NA	NA
c. Art	4	NA	NA	NA
d. P.E.	5	NA	NA	NA
e. Gen. Music	<u>6</u>	<u>NA</u>	<u>NA</u>	<u>NA</u>
	177	52 + 34 = 86	74.0 = 337	
2. <u>Support</u>				
a. Reading	3	0	0	0
b. Music -	3	1	0	1
c. Library	1	1.5	1	2.5
d. Nurse	5	1	1	1
e. Guidance	<u>4</u>	<u>4</u>	<u>4</u>	<u>6</u>
	16	7.5 + 6 = 13.5	10.5 = 40	
<u>Total Prof.</u>	193	59.5 + 40 = 99.5	84.5 = 377	

#### RATIOS

A. <u>(K-6)</u>	1982-83	83-84	Sept 1, 1984
1. Classroom	1/19.9		
2. Support	1/220		
3. Total	1/18.3	1/19.3	1/22
Enrollment	3537	3284	3124
Staff	193	-23	-28
B. <u>(7-9) East</u>			
1. Classroom	1/17.7		
2. Support	1/122		
3. Total	1/15.5	1/17.2	1/18
Enrollment	921	1022(Max)	1027(Max)
Staff	59.5	-0	-2.5
C. <u>(7-9) West</u>			
1. Classroom	1/13.7		
2. Support	1/77		
3. Total	1/11.7	1/13.7	1/18
Enrollment	464	477(Max)	514(Max)
Staff	40	-5	-6
D. <u>(10-12) Butte High</u>			
1. Classroom	1/21		
2. Support	1/148		
3. Total	1/18.4	1/17.9	1/18.4
Enrollment	1575	1405	1301
Staff	84.5	-0	-6
C. <u>Total District</u>			
1. Classroom	1/19.1		
2. Support	1/161		
3. Total	1/17.2	1/18	1/20
Enrollment	6497	6069	5698
Staff	377	349	306.5



## ANACONDA PUBLIC SCHOOLS

P. O. Box 1281 / Anaconda, Montana 59711  
(406) 563-6361

DANIEL W. MARINKOVICH,  
SUPERINTENDENT

Page Two  
February 10, 1983

The lay-offs in Butte will put an additional 288 Anaconda people out of work which will make it necessary for them to seek employment elsewhere. This will result in an increase in the drop of enrollment which will further decrease our A.N.B. in the next biennium causing a further reduction in Foundation Program monies.

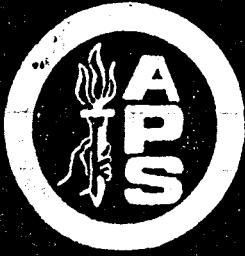
I ask your kind consideration for relief due to this declining enrollment loss.

Again, I would like to thank you for your support.

Sincerely Yours,

DANIEL W. MARINKOVICH  
Superintendent  
Anaconda Public Schools

2-11-83



## ANACONDA PUBLIC SCHOOLS

P. O. Box 1281 / Anaconda, Montana 59711  
(406) 563-6361

DANIEL W. MARINKOVICH,  
SUPERINTENDENT

February 10, 1982

Honorable Chairman, Members of the Committee. My name is Daniel W. Marinkovich, Superintendent of the Anaconda Schools, and I am speaking as a proponent of H.B. 683.

As you are aware, Anaconda has been dramatically hit economically since 1980 with the closure of the Anaconda Smelter. Our A.N.B. has fallen drastically that even with a 9% increase in the Foundation Program we would still lose Foundation Program dollars compared to last year. This is magnified when you look at the taxable valuation of the county. It will drop another 2.5 million dollars next year. You all know what this does to the local mill. From 1977 to 1983, the taxable valuation of Deer Lodge County will drop from 21 million to 10 million. This is approximately 55%. In other words, what one mill would bring on the local level six years ago now takes two mills. This places a greater burden on the individual taxpayer as the only industry the county had is being dismantled and removed from the tax rolls.

As I mentioned two weeks ago, if the Foundation Program is not raised, or a zero increase is given, we will lose \$351,000 dollars. If the Foundation program is increased 5%, we will lose \$210,000. If the Foundation Program is increased 7%, we will lose \$123,000. If the Foundation Program is increased 9%, we will lose \$59,000.



Amendments to HB 395

1. Title, line 9.

Strike: "TERMINATE"

Insert: "NONRENEW"

2. Title, line 10 to line 12.

Following: "TEACHER;"

Strike: "AND" through line 12

3. Page 1, line 16.

Following: line 15

Insert: "Section 1. Section 20-3-210, MCA, in amended to read:

"20-3-210. Controversy appeals and hearings. (1) Except as provided under 20-3-211, the county superintendent shall hear and decide all matters of controversy arising in his county as a result of decisions of the trustees of a district in the county. When appeals are made under ~~20-4-204~~ relating to the termination of services of a tenure teacher or under 20-4-207 relating to the dismissal of a teacher under contract, the county superintendent may appoint a qualified attorney at law to act as a legal adviser who shall assist the superintendent in preparing findings of fact and conclusions of law. Subsequently, either the teacher or trustees may appeal to the superintendent of public instruction under the provisions for appeal of controversies in this title. Furthermore, he shall hear and decide all controversies arising under:

(a) section 20-5-304 or 20-5-311 relating to the approval of tuition applications; or

(b) any other provision of this title for which a procedure for resolving controversies is not expressly prescribed.

(2) The county superintendent shall hear the appeal and take testimony in order to determine the facts related to the controversy and may administer oaths to the witnesses that testify at the hearing. He shall prepare a written transcript of the hearing proceedings. The decision on the matter of controversy which is made by the county superintendent shall be based upon the facts established at such hearing.

(3) The decision of the county superintendent may be appealed to the superintendent of public instruction, and if it is appealed, the county superintendent shall supply a transcript of the hearing and any other documents entered as testimony at the hearing to the superintendent of public instruction.

(4) Cost incurred by the office of the county superintendent shall be paid from the general fund budget of the county in which the controversy is initiated."

*Remember: subsequent sections*

4. Page 1, line 19.

Strike: "second"

Insert: "third"

5. Page 1, line 21.

Following: "or-specialist"

Insert: "or specialist"

6. Page 2, line 2.

Strike: "terminate"

Insert: "nonrenew"

7. Page 2, line 12.

Strike: "Termination"

Insert: "Nonrenewal"

8. Page 2, line 13 to line 19, page 4.

Following: line 12

Strike: remainder of section 2 in its entirety

Insert: "The trustees of a district may nonrenew the services of a tenure teacher for good cause. Good cause may be any of the following:

(a) the reasons described for dismissal under 20-4-207; *INCLUDE BUT NOT LIMITED TO*

(b) failure to promote acceptable levels of student achievement as outlined in the adopted policies of the trustees;

(c) failure to adequately maintain student control and discipline as outlined in the adopted policies of the trustee;

(d) the financial condition of the school requires such reduction, and there are no teaching responsibilities being performed by a nontenure teacher if so qualified.

(2) Whenever the trustees of any district resolve to hear a case of tenure teacher nonrenewal, they shall notify the teacher in writing before May 1 of such a hearing. The notice of hearing shall contain a statement declaring clearly and explicitly the specific reasons for the proposed action.

(3) The hearing must be held within 20 days but not less than 10 days from the date of notice unless the parties mutually agree to another date.

(4) If the trustees decide not to renew the teacher's contract, the teacher may appeal the board's decision to the county superintendent.

(5) Either the teacher or the trustees may appeal the decision of the county superintendent to the superintendent of public instruction.

(6) Any administrative or judicial review of a decision made by the trustees under this section shall be in accordance with the provisions of 2-4-704.

9. Page 4, line 25.

Strike: "termination"

Insert: "nonrenewal"

10. Page 5, line 13.

Following: "reason"

Insert: "--nonrenewal and statement of reason"

11. Page 5, line 16.

Strike: "termination"

Insert: "nonrenewal"

12. Page 6, line 6.

Following: line 5

Insert: "(3) When the trustees notify a nontenure teacher of nonrenewal, the teacher may, within 10 days after receipt of such notice, make written request of the trustees for a statement of reasons for such nonrenewal. With 10 days after receipt of the request, the trustees shall furnish a written statement to the teacher declaring clearly and explicitly the specific reason or reasons for the nonrenewal. This statement shall be:

(a) confidential and not a part of the record of the meeting at which the action was taken; and

(b) final and conclusive disposition of the matter, which shall not be subject to review."

13. Page 6, line 7.

Strike: "terminated"

Insert: "nonrenewal"

14. Page 6, line 10.

Strike: "termination"

Insert: "nonrenewal"

15. Page 6, line 15.

Following: "immorality"

Insert: "immorality that directly affects the performance by the teacher of any duties as a teacher,"

*find A BETTER TEACHER*

2-11-83



John C. Board, President

"People  
Who Care"

Montana Education Association

1232 East Sixth Avenue, Helena, Montana 59601  
Telephone 406-442-4250

FEBRUARY 11, 1983

TO: House Education and Cultural Resources Committee

FROM: John Board *JB*  
President  
Montana Education Association

RE: TEACHER TENURE

Mr. Chairman and Members of the Committee:

For the record, I am John Board, President of the Montana Education Association.

I would like to share with you some preliminary results from a survey which the MEA is currently conducting. The survey is in regards to the salaries, working conditions, and tenure status of teachers who teach in the isolated or rural schools of Montana. That is, the teachers we are attempting to survey and gather information on are teachers who teach in one, two, or three teacher schools.

These teachers are the neglected "teachers" of Montana and they are, I submit, the most sorely underpaid and most abused teachers in the state. What the preliminary results which I am presenting to you do not show is that many of these teachers have no health insurance benefits and, even in some cases, they are not covered by Social Security. Several of them do not have the traditional "teacher-age" provided for them.

If Montana Law is to be concerned for all, the MEA believes that these preliminary results dramatically illustrate the need for substantial improvement in the "job security" of teachers as well as a desperate need for improvements in their wages and working conditions.

PRELIMINARY RESULTS

102 RESPONDENTS (approximately 33% of those surveyed)

AGE OF RESPONDENTS

Low: 22

High: 63

Average: 36

SEX OF RESPONDENTS

Females 86 (84%)

Males 31 (16%)

YEARS TAUGHT

Low: 1

High: 34

Average: 8

TENURE STATUS

Tenured: 31 (30%)

Nontenured: 71 (70%)

CONTRACT SALARY

Low: \$7,000

High: \$22,050

Average: \$11,578



*The Big Sky Country*

**MONTANA STATE HOUSE OF REPRESENTATIVES**

**REPRESENTATIVE BILL HAND  
HOUSE DISTRICT 82**

HELENA ADDRESS:  
26 S. DAVIS  
HELENA, MONTANA 59601  
PHONE (406) 442-9486

HOME ADDRESS:  
30 S. ARIZONA STREET  
DILLON, MONTANA 59725  
PHONE (406) 683-4746

**COMMITTEES:**

STATE ADMINISTRATION  
LOCAL GOVERNMENT  
NATURAL RESOURCES

MEMORANDUM

TO: House Education Committee  
FROM: Bill Hand, Representative  
House District 82  
DATE: February 1, 1983  
RE: Request for Committee Bill

The Attorney General's Decision on Head Start buses confused the use of private cars to transport pupils. House Bill 89 attempted to address this problem. It was killed.

The Montana School Board Association, the Office of the Superintendent of Public Instruction and myself feel the attached candidate bill will properly address this issue.

I urge that it become a Committee Bill.

BH/mac

Section 61-1-116, MCA is amended to read:

"School bus" means every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school, which comply with the bus standards established by the Board of Public Education, except vehicles which are:

(a) Privately Owned and not operated for public compensation, (b) Used exclusively in the transportation of the children in the immediate family of the driver, (c) Designed to carry not more than nine persons as passengers, either school owned or privately owned, which are used to transport pupils to and from activity events, or used to transport pupils to their homes in case of illness or other emergency situation, (d) Over the road passenger coaches when used for activity events.

Section 20-10-101(3), MCA is amended to read:

"School bus" is defined in 61-1-116.

Two recent Attorney General Opinions have created a serious problem for school districts and for those individuals who use their personal vehicles to transport students to school and school related events. 39 Atty. Gen. Ops. 63, issued June 14, 1982, held that "...all vehicles operated by or for public school districts, for the purpose of transporting children to and from school are 'school buses'...(and).... must comply with statutory provisions....relating to school bus equipment operation and inspection." In 38 Atty. Gen. Ops. 104, issued on September 9, 1980, the Attorney General rules: "'Transportation to or from school' is plainly broader than conveyance between a legal residence and school... In many cases, a child who is being transported on a school-sponsored field trip or to and from school athletic events or other authorized activities is being transported 'to or from school' in connection with the activity."

When taking these two opinions together, every vehicle used to transport students to and from school, field trips, and athletic events is a "school bus" under Title 61. This means the vehicle must meet a multitude of legal requirements. (see attached) In fact, anyone who is violating any of these requirements is subject to arrest.

This is obviously a situation that must be remedied. The Attorney General has suggested that a statutory change would best address the problem. This proposed bill was drafted by the Office of Public Instruction and the School Board Association.

The bill would make two changes in the current law:

(1) It would basically adopt the current definition of "school bus" in Title 61 as the definition for both Title 61 and Title 20. This will establish consistency and eliminate much confusion.

(2) The bill will also exclude four categories of vehicles from the definition of school bus:

(a) Privately owned and not operated for public compensation.

This would exclude parents who transport their children and other children to school without receiving reimbursement from the school district. (car pool)

(b) Used exclusively in the transportation of the children in the immediate family of the driver. This would exclude parents who receive individual reimbursement for transporting their children to and from school in their private vehicle.



(c) Designed to carry not more than nine persons as passengers, either school owned or privately owned, which are used to transport pupils to and from activity events, or used to transport pupils to their homes in case of illness or other emergency situations. This would exclude school vans or car, or private vehicles which are used for extracurricular transportation. (This exclusion would address the problem pointed out by Rep. Hand in HB 89).

(d) Over the road passenger coaches when used for activity events. This would exclude the greyhound type buses used by many school districts for various activity events. At the same time it would prohibit the use of over the road passenger coaches to transport students to and from school.

state outside of corporate limits of incorporated cities or towns where the view is obscure or when a moving train is within sight or hearing shall bring said vehicle to a full stop not less than 10 or more than 100 feet from where said highway intersects railroad tracks within this state, before crossing the same, at all crossings where a flagman or a mechanical device is not maintained to warn the traveling public of approaching trains or cars.

(2) The driver of any motor vehicle carrying passengers for hire or of any school bus or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within 50 feet but not less than 15 feet from the nearest rail of such railroad and while so stopped shall open the door (in the case of a school bus) and shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossings and the driver shall not shift gears while crossing the track or tracks.

(3) No stop need be made at any such crossing where a police officer or highway patrolman or traffic-control signal directs traffic to proceed.

(4) This section shall not apply at street-railway grade crossings within a business or residence district.

History: (1) En. Sec. 1, Ch. 151, L. 1919; re-en. Sec. 3842, R.C.M. 1921; re-en. Sec. 3842, R.C.M. 1935; amd. Sec. 1, Ch. 115, L. 1957; amd. Sec. 20, Ch. 315, L. 1974; Sec. 72-164, R.C.M. 1947; (2) thru (4) Ap. p. Sec. 90, Ch. 263, L. 1955; amd. Sec. 1, Ch. 244, L. 1977; Sec. 32-2193, R.C.M. 1947; Ap. p. Sec. 284, Ch. 5, L. 1971; Sec. 75-7007, R.C.M. 1947; R.C.M. 1947, 32-2193, 72-164(part), 75-7007(part).

**61-9-402. Audible and visual signals on vehicles.** (1) A police vehicle shall be equipped with a siren capable of giving an audible signal and may, but need not, be equipped with alternately flashing or rotating red or blue lights as specified herein. The use of signal equipment described herein shall impose upon the drivers of other vehicles the obligation to yield right-of-way and/or to stop and to proceed past such signal or light only with caution and at a speed which is no greater than is reasonable and proper under the conditions existing at the point of operation.

(2) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a siren and an alternately flashing or rotating red light as specified herein.

(3) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at 500 feet in normal sunlight.

(4) Every bus used for the transportation of school children shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights shall have sufficient intensity to be visible at 500 feet in normal sunlight. The warning lights shall be of a type and located on each bus as prescribed by the state board of education and approved by the division.

**61-9-502. Semiannual inspection of school buses.** (1) The division shall perform the semiannual inspection of school buses, one of which shall be at least 30 days prior to the beginning of the school term, and reinspect the buses, if necessary, before the beginning of the school term.

(2) The division's inspection shall determine if the school buses meet the minimum standards for school buses as adopted by the board of public education.

61-8-351. Meeting or passing school bus. (1) The driver of a vehicle upon a highway or street either inside or outside the corporate limits of any city or town upon meeting or overtaking from either direction any school bus which has stopped on the highway or street for the purpose of receiving or discharging any school children shall stop the vehicle not less than 10 feet before reaching such school bus when there is in operation on said bus a visual flashing red signal as specified in 61-9-402 and said driver shall not proceed until the children have entered the school bus or have alighted and reached the side of the highway or street on which they live and until such school bus resumes motion or the driver has signaled traffic to proceed. In addition the driver of a vehicle must slow and proceed with caution when meeting or overtaking from either direction any school bus which is preparing to stop on the highway or street for the purpose of receiving or discharging any school children as indicated by flashing amber lights as specified in 61-9-402.

(2) Every bus used for the transportation of school children shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than 8 inches in height, and in addition shall be equipped with visual signals meeting the requirements of 61-9-402. Amber flashing lights shall be actuated by the driver approximately 150 feet in cities and approximately 500 feet in other areas before the bus is stopped to receive or discharge school children on the highway or street. Red lights shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway or street whether inside or outside the corporate limits of any city or town for the purpose of receiving or discharging school children. However, a school district board of trustees may, in its discretion, adopt a policy prohibiting the operation of amber or red lights when a bus is stopped at the school site for purposes of receiving or discharging school children and such receipt or discharge does not involve street crossing by the children; and such lights may not be operated in violation of such a policy.

(3) When a school bus is being operated upon a highway for purposes other than the actual transportation of children either to or from school all markings thereon indicating "SCHOOL BUS" shall be covered or concealed.

(4) The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when upon a controlled-access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.

History: Ap. p. Sec. 94, Ch. 263, L. 1955; amd. Sec. 1, Ch. 100, L. 1961; amd. Sec. 2, Ch. 250, L. 1965; amd. Sec. 1, Ch. 45, L. 1971; amd. Sec. 2, Ch. 244, L. 1977; Sec. 32-2197, R.C.M. 1947; Ap. p. Sec. 284, Ch. 5, L. 1971; Sec. 75-7007, R.C.M. 1947; R.C.M. 1947, 32-2197, 75-7007(part); amd. Sec. 1, Ch. 305, L. 1979.

61-9-511. Violation of chapter — penalty. (1) It is a misdemeanor for any person to violate any of the provisions of this chapter unless such violation is by this chapter or other law of this state declared to be a felony.

(2) Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction thereof be punished by a fine of not less than \$10 or more than \$100 or by imprisonment for not more than 10 days. For a second conviction within 1 year thereafter such person shall be punished by a fine of not less than \$25 or more than \$200 or by imprisonment for not more than 20 days or by both such fine and imprisonment. Upon a third or subsequent conviction within 1 year after the first conviction such person shall be punished by a fine of not less than \$50 or more than \$500 or by imprisonment for not more than 6 months or by both fine and imprisonment.

(3) On failure of payment of fines, the offender in cases of misdemeanor shall be imprisoned in the county jail in the county in which the offense has been committed, and said imprisonment shall be computed upon the basis of \$2 of said fine for each day's incarceration.

(4) Upon conviction the court costs, or any part thereof, may also be assessed against the defendant in the discretion of the court.

History: En. Sec. 154, Ch. 263, L. 1955; R.C.M. 1947, 32-21-157.

WAYNE  
PHILLIPS



# Educational sticks and carrots

Depending upon how you look at it, the Legislature is a great place to make some of the people happy some of the time and madder than a cat taking an unwanted bath at other times. Generally, you can figure that 50 percent of the issues fall into the black or white side of this distinction.

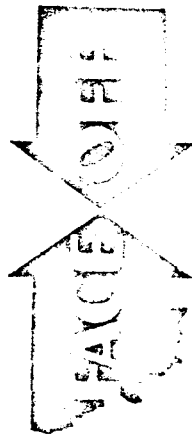
The other 50 percent are issues that do both things at the same time. To survive the session you have to, as one veteran representative said, learn how to duck. Writing commentary on such bills lands you in a similar dilemma. All of a sudden, it is assumed that you support or are opposed to a particular issue because you are crazy enough to put tongue to pen.

With this in mind, I approach somewhat gingerly the issue addressed in two bills — HB395 and HB396. These bills revise teacher tenure laws. The essence of the bills is to create what has been called "instant tenure." It is a classic case of revision to the patterns of a medieval guild.

Once you have taught for one year, you can stay, if you so choose, until they cart you away. Not only that, but with these bills in force, you could no longer even be dismissed for "immorality" because the author of these bills feels that the term immorality can't be defined.

It's almost too easy to have fun with that

whole issue, but there are more fundamental concerns in the bills. For one thing, the bills avoid some major issues of more pressing concern in the education of our kids. What is really needed instead of increased job protection is a way to distinguish between those teachers who are in the competent to outstanding category and those who lack the motivation, the commitment, and the quality to be responsible for the education of others. These bills don't even pretend to try to confront that on-going problem. They just make the already difficult process of rehabilitating or removing, if the situation warrants it, the latter kind of teacher.



These instant tenure bills aim not at providing rewards for quality and demonstration of skill in the classroom, but for a guaranteed job with neither carrots or sticks. That's not surprising in our "egalitarian" society. But they go beyond the traditional attempt to make everybody so equal that the lowest common denominator is the result.

As it currently stands, if the challenge to excel in teaching does not come from within the particular teacher, then bills like these generally take away the one motivating tool a principal or school board has to bring guidance and change into the process. That tool is the ability to refuse to re-hire, which should of course be based on clear standards. I think it's vitally important to what we all really desire in the education of our kids that teachers be challenged not only by rewards for their efforts and skills and enthusiasms but also by the one thing that keeps any quality operation on its toes — the continuing awareness that you have to provide a quality of service or your services won't be used. What we really need — whether administered by management or by the teachers themselves — is greater means to ensure responsiveness, accountability and some standards of quality. Addressing the tenure issue is a good first step, but these bills don't address issues like rewards and accountability in education. Instead, they will make the whole process even more moss bound and guild like.

A real response might be to develop clear guidelines for evaluation of performance and also definite protections of due process for teachers. Then it would be appropriate to modify the tenure process. But not in the hidebound way HB395 and

HB396 do it. If guarantees for due process rights were linked with something like a three year re-evaluation period, then perhaps the resulting responsiveness and accountability could bring a greater infusion of freshness and challenge and competitive spark into the education process.

One final point. I can't help but consider the argument that such "instant tenure" bills may actually be OK with parents. There certainly has been little movement to change tenure laws. Add rewards, accountability and responsiveness to the teaching process. It might be assumed then that the school system is doing well, so perhaps this additional measure of job protection is not out of line. Until parents speak, making the school system even more immune to change and adaptability may be just what people secretly want — schools are after all the means by which the status quo continues itself. One wonders though whether we can afford that. Schools are one of the few institutions in our society where we can encourage, train and guide skills that promote adaptability and creativity in areas at once spiritual, intellectual and practical.

I'm not convinced that HB395 and HB396 do anything even approximating these things. It will be very interesting to see what the response from parents is to legislators when these bills are ready for voting.

## VISITORS' REGISTER

HOUSE

## Education

COMMITTEE

BILL      House Bill 508

Date February 11, 1983

SPONSOR Representative McBride

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITORS' REGISTER

HOUSE                      EDUCATION                      COMMITTEE

BILL HOUSE BILL 653 Date February 11, 1983

SPONSOR Representative Sands

[illegible]

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITORS' REGISTER

HOUSE

## Education

COMMITTEE

BILL HOUSE BILL 657

Date February 11, 1983

SPONSOR Representative Sands

[illegible]

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

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## VISITORS' REGISTER

HOUSE

## Education

COMMITTEE

BILL      House Bill 683

Date February 11, 1983

SPONSOR Representative Daily

[illegible]

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

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.



# STANDING COMMITTEE REPORT

1 of 2

February 14, 1983 XX

**SPEAKER:**

MR. ....

## EDUCATION AND CULTURAL RESOURCES

We, your committee on .....

HOUSE

508

having had under consideration ..... Bill No. ....

**first**

**white**

reading copy ( ..... )  
color

" AN ACT TO GENERALLY REVISE THE COMPOSITION OF THE STATE  
LIBRARY COMMISSION; AMENDING SECTION 22-1-101, MCA; AND  
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HOUSE

508

Respectfully report as follows: That ..... Bill No. ....  
be amended as follows:

1. Page 1, line 23.

Strike: "5"

Insert: "3"

2. Page 2, line 1.

Strike: "5"

Insert: "3"

3. Page 2, line 12.

Strike: "5"

Insert: "3"

4. Page 2, line 13.

Strike: "4"

Insert: "2"

~~XXXXXX~~  
DO PASS

HOUSE BILL 508

February 14,

83

19.....

5. Page 2, line 14.

Strike: "3"

Insert: "1"

6. Page 2, line 15.

Strike: "5"

Insert: "3"

Following: "years."

Insert: The commissioner of higher education must appoint a  
member as provided in 22-1-101(2) (c) prior to the 1983 annual  
meeting.

AND AS AMENDED  
DO PASS

# STANDING COMMITTEE REPORT

February 11, 19 83

MR. **SPEAKER:**

We, your committee on **EDUCATION AND CULTURAL RESOURCES**

having had under consideration **HOUSE** Bill No. **653**

First reading copy White  
Clerk

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE PROVISIONS  
RELATING TO HIGH SCHOOL TUITION; AMENDING SECTIONS 20-5-311 AND  
20-5-312, MCA."

Respectfully report as follows: That **HOUSE** Bill No. **653**

DO PASS

# STANDING COMMITTEE REPORT

February 11, ..... 19 23 .....

MR. .... **SPEAKER:** .....

We, your committee on ..... **EDUCATION AND CULTURAL RESOURCES** .....

having had under consideration ..... **HOUSE** ..... Bill No. **657** .....

First ..... reading ~~now~~ ( White )  
Color

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT AN APPLICANT FOR AN ADMINISTRATIVE OR SUPERVISORY TEACHER CERTIFICATE WHO IS OTHERWISE QUALIFIED MAY BE ISSUED THE ADMINISTRATIVE OR SUPERVISORY CERTIFICATE IF HE IS ELIGIBLE FOR BUT NOT A HOLDER OF A TEACHER CERTIFICATE ENDORSED FOR TEACHING IN THE SCHOOL IN WHICH HE WOULD BE AN ADMINISTRATOR OR SUPERVISOR; AMENDING SECTION 20-4-106, MCA."

Respectfully report as follows: That ..... **HOUSE** ..... Bill No. **657** .....

DO PASS

	Date: No.	HB 49	Date: No.	Date: No.	Date: No.	Date: No.	Date: No.
DONALDSON	EX	XXX					
EUDAILY	P	YES					
HAMMOND	EX	XXX					
HANNAH	P	NO					
KADAS	P	YES					
KEENAN	P	YES					
KITSELMAN	P	NO					
LORY	P	NO					
MILLER	P	YES					
NILSON	P	YES					
NISBET	P	YES					
PECK	P	YES					
SANDS	P	NO					
SCHYE	P	YES					
YARDLEY	P	YES					
KENNERLY	P	YES					
DAILY	P	YES					