

MINUTES OF THE MEETING
EDUCATION AND CULTURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 14, 1983

The meeting of the Senate Education and Cultural Resources Committee was called to order by Chairman Bob Brown on March 14, 1983 at 12:30 p.m. in Room 325, State Capitol.

ROLL CALL: All committee members were present.

Senator Brown introduced four students from Laurel who spoke to the committee about projects and outstanding programs in the Laurel school system. Those students were Cynthia Ann Krilly, Laurel High School, Shelley Hanson, Laurel High School, April Rankin, Laurel Jr. High School, Trevor Bellandi, Graff Elementary School and Blake Stout, South Elementary.

HOUSE BILL 591: Representative Nisbet, District 35, sponsor of the bill, said the bill does one basic thing; it removes the age discrimination provision from the laws governing tenure.

PROPOSONENTS

Dave Sexton, Montana Education Association, stated support for the bill as currently state law is in conflict with the Montana Human Rights Act and federal law. It brings the tenure provision up to date with laws as set forth by the courts. He noted the specialist provision was taken out in the House and he urged the committee to amend the bill to put that section back in. He said specialists with a class 6 certification should have equal protection of due process under the tenure law as other classes of teachers.

Shirley DeVoe, Legislative Chairperson, Montana Speech-Language-Hearing Association, presented her testimony in support of the bill (exhibit #1).

There being no further proponents and no opponents, Representative Nisbet closed saying he supports Mr. Sexton's proposal to amend the bill back regarding specialist tenure.

HOUSE BILL 99: Representative Hammond, District 24, sponsor of the bill, said the bill provides for school years of less than 180 school days if a district conducts an equivalent number of hours. An election is required to authorize the

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the trustees of a district to apply to the Board of Public Education for the variance in the number of school days. The statement of intent provides that a pilot program of not more than 5 districts be involved. He passed out an alternative calendar and supporting data for the four day school week from New Mexico and Colorado (exhibits #2).

PROPOSERS

Rod Svec, Assistant Superintendent, Office of Public Instruction, said OPI supports the proposal provided it is under tight control and a limited number of schools were enrolled. He noted they would like to have an experimental project at least.

Yvette Worth, a young ventriloquist, and her friend, Corky, representing Grace Gospel Church and Pastor Doug Kelley, spoke of their experience in a four day school setting. They said they had to work harder but they really enjoyed the four day schedule.

OPPOSERS

A letter and petition was presented from Nancy Askin, Alberton, Montana, in opposition to the bill (exhibit #3).

There being no further opposers, Representative Hammond closed by saying new things are discovered by experiment. He said the bill is an optional basis and they would like to try it.

HOUSE BILL 879:

Representative Peck, District 8, said very simply the bill prohibits discrimination in Montana schools on the basis of sex. He gave the committee a sheet of amendments which had been inadvertently left out in the House and asked that they be reinserted in the bill (exhibit #4). He stressed it is a middle of the road simple approach adapted from the law in Washington state and Title 9 and noted nine other states currently use this law. He professed a sincere belief that this legislation does provide an opportunity to handle discrimination problems in-house without the involvement of the Office of Civil Rights.

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PROPOSERS

Stanley T. Kaleczyc, former Associate General Counsel of the National Chamber of Commerce, Washington D.C., and former law school instructor, Washington D. C., made a presentation on the legal issues involved in the bill (exhibit #5).

Daniel W. Marinkovich, School District #10, Anaconda, presented his testimony in support of the bill (exhibit #6).

Jean G. Dimich, Billings, presented her testimony in support of the bill to the committee (exhibit #7).

Dave Sexton, Montana Education Association, said the MEA has long been concerned with equal treatment legislation and feels House Bill 879 is the next logical step in equal treatment of boys and girls in education across the state as well as implementing Montana's constitutional guarantee of equal educational opportunity. He noted the Human Rights Commission is woefully underfunded and overworked and legislation such as this might help alleviate their problem.

He said the bill provides a good opportunity for Montana to show its commitment to equal opportunity for all children.

Representative Nancy Keenan, District 89, noted there has been a retreat from Title 9 at the federal level. Secretary Bell is urging modifications and the Department of Education is targeted for elimination. She said as a teacher she is still seeing stereotypic roles being enhanced in texts and materials as well as various programs and feels HB 879 will be a good step toward educational equality.

Sally Moore, Bozeman, presented her testimony in support of the bill to the committee (exhibit #8).

Kathy Karp, League of Women Voters, voiced her support for the bill.

Stacy Flaherty, Women's Lobbyist Fund, presented her testimony in support of the bill (exhibit #9).

Representative Ted Schye, District 4, said Montana is a rural state and we need to be involved in our own enforcement policies.

As a former teacher and coach he sees the need for equality in education as the equality is existant in many levels for children working on farms and ranches. Those opportunities need to exist on the educational level also.

Terry Lynn Minow, Montana Federation of Teachers, AFL-CIO, spoke in support of the bill.

Jean Marie Sounegey, Associated Students of the University of Montana, spoke in support of the bill.

Melinda Ray presented testimony on behalf of Harriett Meloy, representing the American Association of University Women (exhibit #10).

Joel Hardy, representing Montana students, spoke in support of the bill.

OPPONENTS

Chip Erdmann, Montana School Boards Association, presented his testimony in opposition to the bill (exhibit #11).

Ronald F. Waterman, representing the Montana High School Association, spoke in opposition to the bill (exhibit #12).

Jess Long, Executive Secretary, School Administrators of Montana, asked the committee not to concur with the bill. Although the SAM are strongly in favor of equality in education, it creates another level of bureaucracy which is duplicative, i.e. Human Rights, Civil Rights, and Title 9.

Jack Copps, Helena School District #1, presented his testimony in opposition to the bill (exhibit #13).

Judy Johnson, Assistant Superintendent, Office of Public Instruction, presented her written testimony in opposition to the bill (exhibit #14).

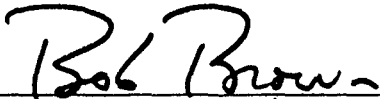
There being no further opponents, Representative Peck closed by saying the bill gives an avenue for complaints to be heard through the Montana school system. The appeal will be initiated to the school board and, if needed, on to the county superintendent and then to OPI and most will never go to court at all. He felt it

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is better to have Montana educators deal with Montana educational problems rather than the people from Denver.

Senator Berg asked if further time for questions and discussion could be made available. Senator Brown scheduled the March 16 meeting for 12:30 p.m. to allow for an additional half hour for discussion.

ADJOURN: There being no further business, the meeting adjourned.



Senator Bob Brown, Chairman

jdr

DATE March 14, 1983

COMMITTEE ON Education and Cultural Resources
 HB 99, HB 879, HB 591

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Chip Ecomann	MSBA	879		X
But Fairbanks	mt Federation of Teachers	879 591	X	
Deely Moore	myself	879	X	
Don Marinich	Sch. Dist # 10	879	X	
Jack Copps	Sch Dist # 1	879		X
Rand F. Waterman	MHSA	879		X
Jeanne Soumygny	ASUM	879	X	
Celinda Jabe	Women's Lobbyist Fund	879	X	
Kathy Larp	Mont LWV	879	X	
Stacy A. Flakety	Women's Lobbyist Fund	879	X	
Joel Hardy	Montana Colleges	879	X	
Stan Kaczyc	SELF	879	X	
Shirley DeVoe	Mont Exp Hrg Assn	591		X
John A. Lee	School Dist # 169 Winnett	879		X
Elizabeth A. Lee	Winnett	879		X
Jean G. Dinnick	Bulding, mt	879	X	
Raymond O'Brien	Human Rights Comm	879		X
Harold Lund	MASA	879		X
Jesse W Long	SAM	879		X
Jerry Lynn Nimmo	Mt Fed of Teachers	879	X	
Walter Walth	3050 Margery Murch Helena 99		X	
Rodney Snee	ORI	99	X	

TO: The Senate Committee on Education and Cultural Resources
FROM: Lee Heiman, Committee Counsel
DATE: March 14, 1983
RE: Summaries of House Bills 99, 591, and 879

House Bill 99 (J. Hammond). Provides for school years of less than 180 school days if a district conducts an equivalent number of hours. An election is required to authorize the trustees of a district to apply to the Board of Public Education for the variance in the number of school days. The statement of intent provides that a pilot program of not more than 5 districts be involved.

House Bill 591 (Nisbet). Deletes provisions stopping teacher tenure at age 65 and for year-to-year contracts to age 70.

House Bill 879 (Peck). Prohibits sex discrimination in schools by addressing counseling and guidance services, access to course offerings, textbooks, and course materials. Provides rulemaking in the Superintendent of Public Instruction and provides as a penalty reduction in state money to a district. Also provides for civil actions by an individual.

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Sanator Bob Brown, Chairman
Senate Education and Cultural Resources Committee
Montana Senate

Dear Senator Brown:

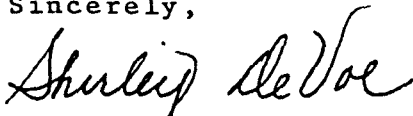
I would like to urge reconsideration by the Senate Education Committee to reintroduce and support certified or licensed education related specialists for tenure.

The speech pathologists and audiologists in the state have a licensure status and are not certified by OPI. However, both the Office of Public Instruction and the Montana Board of Speech Pathologists and Audiologists have mandated/required superior qualifications for speech-language-hearing specialists to the point where we must meet requirements superior to other teacher certification requirements. We also sign identical contracts as certified teachers when working in the public schools, therefore agreeing to the same conditions of employment.

I would like to see HB 591 amended to include certified or licensed education related specialists the same opportunity for tenure that other teachers are offered.

We would appreciate your time and consideration of this change.

Sincerely,



Shirley DeVoe
Legislative Chairperson
Montana Speech-Language-Hearing Association

DATA: ALTERNATIVE CALENDAR (Four day school week)

- 1. 1973 - Cimmaron, N.M. was the originator (energy shortage). Still on it into eleven years! 180 days required with 1080 hours currently; favor no reduction of hours.
- 2. Colorado; '80-'81 passed enabling legislation. Twelve districts piloted the project.
- *3. Approx. 8:00 - 4:00 with ½ hour lunch - 144 days (vary with community needs)
- 4. '82-'83; 31 Districts with 10,000 kids involved.
- 5. C.S.U. to evaluate comprehensively was a criteria. Hawthorne Effect - improved climate greatly in the pilot schools. On first survey of parents, by C.S.U., 1400 requests were sent out; 757 responded. After one year's experience, 91% favored the 4-day program. Also, 205 teachers were surveyed and 94.7% favored the program. of 1440 students surveyed, 92.2% favored the program.
- 6. Gasoline consumption by school buses was reduced by 23%. Bus maintenance costs were reduced by 18%. Electrical consumption was reduced by 23%. Heating oil, where used, costs reduced up to 21%. Substitute teachers costs are reduced by 24.5%. Student attendance was "greatly improved", up to 80% improvement.
- 7. There were some communities, i.e. Yuma, CO with a 50/50 split on input, so they backed out of implementation. Others with 50/50 split went ahead and tried it. After one year, input favoring it went up to from 78 to 95% on the part of parents.
- 8. Studies must include:
 - a. impact on student achievement,
 - b. transportation and facility utilization,
 - c. cost comparisons,
 - d. student opinion,
 - e. staff opinion, and
 - f. community opinions.

STUDENT RESPONSE

Of those surveyed, the range of schools on the program was from 80% favoring the program to 100% favoring the program.

WHAT DID STUDENTS DO WITH THE EXTRA DAY OFF?

- 1) 28.1% said they spent much more time with family.
- 2) 19.5% said they spent more time with family.
- 3) 20.8% said they spent some more time with family.

Add these together, you get 68.4% of students spending more time with family.

In some districts surveyed, the church pastors changed the traditional Church Night from Wednesday to the now free Monday Night. Youth attendance at church activities increased 80%, because there was no conflict with school activities.

WHAT ELSE HAVE STUDENTS DONE WITH THE NEW-FOUND NON-STRUCTURED TIME?

By actual survey they have:

- 1) worked without pay (volunteer for Community or Family Service) - 49.4%
- 2) "Goofing Around" - 45.6%
- 3) Work for pay - 18.5% of Elementary students and 36.4% of the Secondary students (many with jobs caring for the children of working parents who do not have an older sibling to "sit". With longer four days, work hours and school hours coincide so parents need to provide child care only one day a week all day and not five days a week for short periods.)
- 4) More jobs are available for youth on a week day than on weekends.

WHAT ABOUT ACHIEVEMENT?

- 1) Iowa Test of Basic Skills - In 11 of 12 "pilot" districts, grade level equivalencies went up more than usual, or more than one grade level in one year. In one district, achievement went down slightly after one year's experience with the four day week.
- 2) Reading Level (tested on fourth graders) went from grade level of 4.50 to 7.00 in one year. It would have been expected to go no higher than 5.00 in the traditional five day week. (Hanover, CO)

ADVANTAGES OF FOUR DAY WEEK

- 1) Reduce energy consumption
- 2) Reduce overall operating costs
- 3) Reduce student absences
- 4) Reduce employee absences
- 5) Opportunity for curriculum flexibility
- 6) Student and teacher attitudes have gone up as much as 100%.

There is a variation possible. A rural district kept five days, all extending by 30 minutes. These extra minutes were "accumulated" to reach 1080 hours and enabled school to start after Labor Day when youngsters were needed at home and to get out a few weeks early in the Spring when needed by family again.

DISADVANTAGES AND WEAKNESSES OF FOUR DAY WEEK

- 1) Teaching techniques need to be changed
- 2) Children do get home "later" in winter
- 3) Longer school day for younger students
- 4) Students watched more TV (perhaps educators should look at utilizing TV more to enhance learning)
- 5) Some school district expense may be diverted to the home because students at home may turn up heat and raise the energy bill at home.

We believe in local control in our state. The option of an alternative calendar is local control, to meet local needs.

The original 12 pilot district in CO are now in their third year. NONE have opted to go back to a traditional five day week.

The Four Day Week is situational. I can see no way it could work in large districts. The one large (6000 students) district in Denver, Adams County #14, that was approved to try it has backed off because they planned too much change; five days in Fall, four in Winter, and five in Spring. Families could not handle that much change.

The largest district I know to try it, Granby, CO with 1250 students, is only one-half year into it. That is not enough experience to base data upon.

While the Four Day Week is not the answer for every school, I believe strongly that districts should have the legal option of considering it and be able to try it with a mandate from their community constituents.

I hope I have satisfied you with the reasoning of my intentions. For many small districts, where the school is the center of the community in every respect, social, economic, and political, it is a superior option than forced consolidation or program cutting.

Thank you.

Exhibit #2
3/10/83

COLORADO DEPARTMENT OF EDUCATION

COLORADO SCHOOL DISTRICTS ON ALTERNATIVE CALENDAR SCHEDULES
1982 - 1983

✓ 1. Branson Reorganized School District 82 Dr. Leland Willis, Superintendent Branson, CO 81027 Telephone: (303) 946-5531	DO Tuesday-Friday SM 716.5 E 77 Y 3rd
2. Boulder Valley School District Re2 (Teen-Parenting School) Dr. Barnard E. Ryan, Superintendent 6500 Arapahoe - P.O.Box 9011 Boulder, CO 80301 Telephone: (303) 447-1010	DO Monday-Thursday SM 494 E 18 Y 2nd
✓ 3. Calhan School District RJ1 Dr. Ken Bull, Superintendent P.O.Box 21 Calhan, CO 80808 Telephone: (303) 347-2303	DO Tuesday-Friday SM 227.5 E 309 Y 3rd
4. Cheraw School District 31 Elvin Mosier, Superintendent Cheraw, CO 81030 Telephone: (303) 853-6655	DO Tuesday-Friday SM 129.75 E 176 Y 3rd
✓ 5. Cotopaxi School District Re-3 Larry Coleman, Superintendent P.O.Box 385 Cotopaxi, CO 81223 - Telephone:(303)942-4131	DO Monday-Thursday SM 541 E 227 Y 3rd
✓ 6. Custer County Consolidated S/D C-1 Richard L. Wilson, Superintendent P.O.Box 211 Westcliffe, CO 81252 Telephone: (303) 783-2357	DO Monday-Thursday SM 682 E 302 Y 3rd
✓ 7. Eads School District Re-1 Dr. James E. Donnell, Superintendent 900 Maine - P.O.Box 877 Eads, CO 81036 Telephone: (303) 438-5891	DO Monday-Thursday SM 1212 E 275 Y 3rd

DO	Days of operation
SM	Square Miles
E	Enrollment
Y	Year in Pilot Program

COLORADO SCHOOL DISTRICTS ON ALTERNATIVE CALENDAR SCHEDULES - 1982-1983 (Continued)

8.	Edison School District 54 Jt. Paul Hunter, Superintendent Yoder, CO 80864 Telephone: (303) 478-2125	DO SM E Y	Monday-Thursday 312 36 3rd
9.	Elbert School District 200 LeRoy M. Reams, Superintendent P.O.Box 38 Elbert, CO 80106 Telephone: (303) 648-3013	DO SM E Y	Tuesday-Friday 140.25 141 3rd
10.	Hanover School District 28 Joe Huber, Superintendent 17050 Peyton Highway Colorado Springs, CO 80909 Telephone: (303) 683-2247	DO SM E Y	Tuesday-Friday 266 65 3rd
11.	Hoehne Reorganized School District 3 Dr. Dennis Trump, Superintendent P.O.Box 91 Hoehne, CO 8102 Telephone: (303) 846-4457	DO SM E Y	Tuesday-Friday 1072 240 3rd
12.	Karval School District Re 23 Quentin H. Kravig, Superintendent P.O. Box 272 Kraval, CO 80823 Telephone: (303) 446-5311	DO SM E Y	Tuesday-Friday 751 80 2nd
13.	La Veta School District Re-2 R. Clifford Young, Superintendent P. O. Box 85 - 126 East Garland Street La Veta, CO 81055 Telephone: (303) 742-3662	DO SM E Y	Monday-Thursday 221 230 3rd
14.	Mesa County Valley School District 51 Louis A. Grasso, Jr. (Acting Superintendent) 2115 Grand Avenue Grand Junction, CO 81501 Telephone: (303) 245-2422 (Year round school)	DO SM E Y 2	Year-Round Program 2203 1500 2nd Elementary Schools K-6
15.	Park County School District Re-2 John A. Pierce, Superintendent P.O.Box 188 Fairplay, CO 80440 Telephone: (303) 836-2397	DO SM E Y	Monday-Thursday 1997.1 420 3rd

DO	Days of operation
SM	Square Miles
E	Enrollment
Y	Year in Pilot Program

COLORADO SCHOOL DISTRICTS ON ALTERNATIVE CALENDAR SCHEDULES - 1982-1983 (Continued)

16.	Peyton School District 23 Jt. James P. Doyle, Superintendent Peyton, CO 80831 Telephone: (303) 749-2244	DO SM E Y	Tuesday-Friday 122.5 240 2nd
✓ 17.	Primero Reorganized School District 2 Allen J. Bachoroski, Superintendent RFD 1 Weston, CO 81091 Telephone: (303) 868-3306	DO SM E Y	Monday-Thursday 475 226 3rd
✓ 18.	Pritchett School District RE-3 Arthur Dowell, Jr., Superintendent P.O.Box 7 Pritchett, CO 81064	DO SM E Y	Tuesday-Friday 654 80 3rd
19.	Strasburg School District 31J Delmer B. Hemphill, Superintendent P.O.Box 207 Strasburg, CO 80136 Telephone: (303) 622-9211	DO SM E Y	Tuesday-Friday 225 425 2nd
20.	Seibert School District R-2 James J. Matthews, Superintendent P.O.Box 116 Seibert, CO 80834	DO SM E Y	Tuesday-Friday 553.6 134 2nd
AND			
	Vona School District R-3 James J. Matthews, Superintendent P.O.Box 8 Vona, CO 80861 Telephone: (303) 664-2354		
21.	Vilas School District RE-5 Elbert P. Daniel, Superintendent Vilas, CO 81087 Telephone: (303) 523-6738	DO SM E Y	Tuesday-Friday 178.8 94 2nd
22.	Weldon Valley School District Re-20(J) Ronald Call, Superintendent P.O.Box 668 Weldona, CO 80653 Telephone: (303) 645-2411	DO SM E Y	Tuesday-Friday 186.1 145 2nd
23.	Woodlin School District R-104 Joe Roskop, Superintendent Star Route Box 135 Woodrow, CO 80757 Telephone: (303) 386-2223	DO SM E Y	Tuesday-Friday 627 105 2nd

DO	Days of operation
SM	Square Miles
E	Enrollment
Y	Year in Pilot Program

Amended Exhibit #2 3/14/85

EDISON SCHOOL DISTRICT 54 JT.

EDISON ROAD • YODER, COLORADO 80864

TELEPHONE 478-2121

November 1, 1982

Montana Board of Public Instruction
Helena, MT 59601

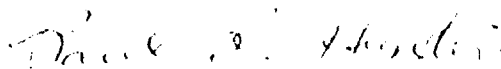
To whom It May Concern:

Our school district instituted the 4-day week for the school year 1980-81. The purpose of the program was to conserve energy and channel the energy dollars back into instruction. But the freak winter of 1980-81 (extremely mild) made it difficult to prove actual dollar savings. It did reveal several hidden benefits. The biggest benefit was in the school climate. Teachers and students were coming to school rested and ready for the 4-day school week. Teacher and student burn-out was virtually eliminated.

The second year produced the answer to the energy saving question. There was a 36% overall savings in energy consumption!

Teacher, parent, and student response to questionnaires was 100% behind the 4-day week. True, the days are long for the younger children, but there are many instructional advantages which can be achieved with careful preparation and planning. We enthusiastically support the 4-day school year.

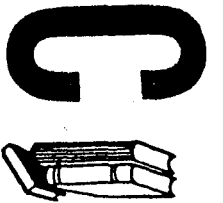
Respectfully yours,



Paul R. Hunter
Superintendent of Schools

PRH/vr

cc:file



Education



Through



Growth

17 Nov 82

Dear Mr. Peterson:

Our school was one of the 3 pilot schools in the state during the 1979-80 school year testing the 4 Day/Extended Day School Week. The project met with sufficient success to warrant its continuation the following year and every year since. Now, I don't think this district would want to return to 5 days, because we simply do not hear any negative comments about the 4 day program.

We have been keeping records on all facets of school operations. In general terms we have saved from the mid-20 percents to the upper 20 percents in every category -- electricity and propane in particular; water, paper for bathrooms, and cleaning agents. Our bus maintenance savings are in excess of 75 per cent. School teachers requirements for substitutes have been so reduced it is phenomenal. Student absent rates though they have always been low in this district are now lower. During the first quarter of this year we had nine days of 100% attendance in K-8.

Each year we have surveyed our students 4-8, 9-12, parents, non-certified staff, and certificated staff. The results totalled for all the categories would range about 95% in favor of staying with 4 day but this past year there were no completely negative responses whatsoever.

It is my opinion that if the district is small, it should be 4 day. (Less than 1500)

If you need further info please call me.

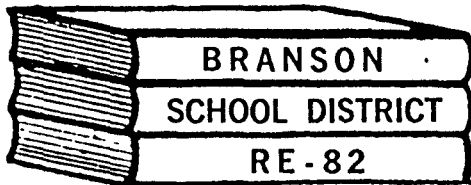
Sincerely yours,

Nick Ordon

Nick Ordon
Prin

Calhan Public
Schools
P.O. Box 21
Calhan, Colo.
80808





LAS ANIMAS COUNTY ● BRANSON, COLORADO 81027

November 1, 1982

Montana Board of Education
Helena, Montana 59601

Dear Board,

Branson School District RE-82, Branson, Colorado has been on the 4-day week for three years. It is ideal for a school of our size and we have 100% approval from our community. We do not go to school on Monday. On Monday, we expect our students to handle all their doctor appointments, hair appointments, and general business. Our attendance has improved from 95% to 98%.

Fuel costs, bus transportation, salaries have decreased from 14 to 21 percent. Achievement scores have increased slightly but not of a significant nature.

We feel that the 4-day week is a tremendous adventure and challenge for our students and community. The Colorado Department of Education is most cooperative and they feel that the 4-day week is advantageous.

If additional information is needed, please feel free to call on me.

Sincerely yours,

W. Leland Willis
Superintendent

PRIMERO REORGANIZED SCHOOL DISTRICT No. 2

{ Weston, Colorado 81091 }

Phone 846-2429

Phone 868-3386

11/2/82

State Board of Public Education
33 South Last Chance Gulch
Helena, MT. 59601

Dear Board:

I am glad to hear that you are interested in the four-day week. We have found it so helpful that the Primero R-2 School District has saved alot of money. With our savings we were able to add band, art, and substantial raises. Our reserve finances have also doubled.

The reason we chose Friday off was to stop class interruptions caused by students going to away games. The way it is now, we don't have class interruptions and students are learning alot more.

When we first started the four-day week, kindergarten was scheduled for half a day. Within a month the parents requested a full day schedule and it has worked quite well. We give them a snack at 8:30 a.m., lunch at 12:15 p.m., and a rest period after lunch recess. This gives an extensive time period in the morning for the basics. In the afternoon they get Art, Music, P.E., play-time, and library. A snack is needed, but it is cheaper than lunch on the fifth day.

The junior high and high school class periods are an hour and four minutes long for six periods. We have added a 35 minute seventh period for study hall, photography, weightroom, newspaper, and 7-12 band. Club and class meetings are only held during this seventh period. Teachers like having the extra time for in-depth lessons. I enjoy seeing lecture type teachers being forced to use a greater variety of approaches, in order, to keep the students interest.

I did not directly push for the four-day week. I worked indirectly by supplying as much data as I could find to key parents, teachers, and board members. When the time came for program and budget cuts there was a nucleus willing to look at the four-day alternative. A committee of parents, teachers, students, and board members were selected to visit a four-day school and report on their findings. Their visit answered all their concerns and they came back enthused. Their enthusiam spread to others in the community until the school board felt compelled to try it for one semester instead of making program cuts.

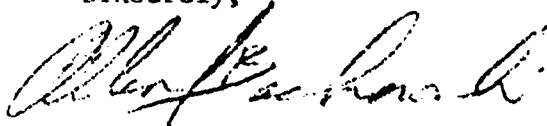
At the end of the semester we surveyed parents and students. We did not ask them before this time because they needed to be a part of the program to make valid comparisons. By this time a majority favored a continuation of the pilot program. It was only then that I publicly joined the bandwagon. I have learned to keep two major objectives in front of everyone's eyes in order to fight those opposed to the idea. Objective one is to save transportation, cafeteria, and maintenance cost in order to add to the instructional program. The second is to have fewer class interruptions on Fridays because of athletics.

We are especially proud of our vocational program with Trinidad State Junior College which we were unable to give students on a five-day week. We drive 30 minutes to town, give students 2½ hours of instruction and return by lunch.

Achievement test results the first year showed substantial gains and no class was hurt by the four-day week. Since this could have been caused by the Hawthorne Effect, I was anxious to see the second year test results. Those results have just arrived and show even greater gains. Nine classes have made gains of more than one year over last years test on the total battery. The other three classes made some progress, five classes made more than one year progress in Reading, eight classes made more than one year progress in language, and seven classes made more than one year progress in mathematics.

I encourage you to try the four-day week, you too may find it beneficial.

Sincerely,



Allen J. Bachoroski
Superintendent



HORNETS

Gentlemen

Hanover Public Schools

El Paso County District # 28
17050 Peyton Highway
Colorado Springs, Colorado 80908
683-2247

JOE HUBER
Superintendent

The extended day/four day week will become the norm rather than the exception during the next few years. Rapidly increasing costs in all areas of school operation coupled with limited revenue increases have made it a real struggle for schools to continue to offer the quality instructional programs they desire.

Because of the extended day/four day week, we have been able to cut costs in support areas which allows us to spend additional money in direct educational results.

When contemplating the change, numerous objections will be heard. One must bear in mind, however, that if all possible objections must be overcome before making a change, changes will never take place. We therefore experienced a trial period of six weeks at the end of last school year, after which we took an opinion survey. The most recent poll taken one month into this school year, out of a total of 61 returned showed that 43 favored or strongly favored the change, while only 7 said that they disliked or strongly disliked the change.

Last year our school day went from 8:30 - 3:00 while this year it is from 8:00 - 4:00, maintaining 30 hours of classroom instruction per week.

I'll be glad to try to help you implement this program into your school or answer any other questions you might have.

Sincerely

Joe Huber

Joe Huber

Superintendent

LA VETA PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT



LA VETA SCHOOL DISTRICT RE-2
P. O. BOX 85
LA VETA, COLORADO 81055
PHONE 303-742-3562

October 29, 1982

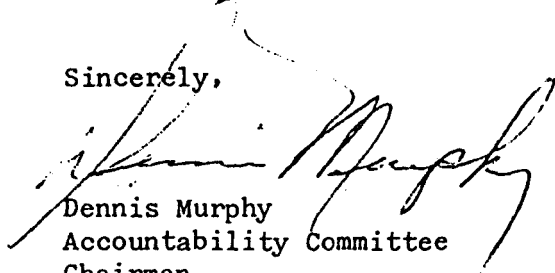
Montana Board of
Public Instruction
Helena, Montana 59601

Dear Board of Public Instruction:

Since La Veta has no PTA, I am writing you as Chairman of our Accountability Committee, which consists mostly of parents. Since the four-day week was implemented three years ago in our school district, we have observed an improvement in our students' education.

The four-day week has been accepted well by students, parents, staff, and the community. If you have any further questions, please contact me at 742-3101.

Sincerely,


Dennis Murphy
Accountability Committee
Chairman

DM/ih

LA VETA PUBLIC SCHOOLS

OFFICE OF THE SUPERINTENDENT



LA VETA SCHOOL DISTRICT RE-2

P. O. BOX 85

LA VETA, COLORADO 81055

PHONE 303-742-3562

October 29, 1982

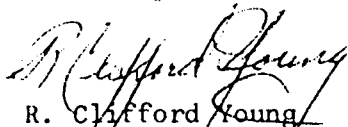
Montana Board of Public Instruction c/o
Wayne G. Peterson, Principal
Alberton Public School
Joint School District No. 2
Alberton, Montana 59820

Dear Montana Board of Public Instruction:

La Veta was among the first schools in our state to implement the four-day week. The four-day school week was implemented after a complete study by our board of education, which was the first study conducted in our state. I might also tell your PTA that the four-day week was implemented in our district because the community and board of education believe in it; while myself, the traditional thinking superintendent, believe that you must have five days a week to educate children. Since implementing the four-day week, our standardized tests scores have increased and our school climate has shown improvement. Students and teachers have structured their time much better and actually the time on task has improved. Parents and teachers indicate that being exposed to four day's of hard work and then having three days to work or enjoy family activities leave both teachers and students in an excellent frame of mind to return to school on Monday morning.

The four-day week was implemented in our school district to save money which was channeled to the instructional fund. However, students, parents, and staff all report educational gain being made because of the four-day week. If you have any further questions, please contact me at 742-3662.

Sincerely,


R. Clifford Young
Superintendent

3
3/14/83

P.O. Box 86

ALBERTON, MONTANA 59820

April 11, 1983

Bob Brown, Chairman
Education Committee
Room 400, Capitol
Helena, Montana 59601

Dear Bob,

Recently, I mailed a copy of a letter I wrote to Senator George McCalla regarding the proposed 4-day school week.

Personal business calls me to town on Monday so I find that I will not be able to address your committee hearing on Monday as planned.

As the petition you are being mailed clearly indicates, residents of Alberton are interested in the 4 day school week.

Many feel that there is too much financial and personal burden placed on individual families - especially those in the rural areas. For families with working fathers and/or mothers the added day at home is not necessarily going to mean more "togetherness" in the home. In fact with longer school days family "togetherness" during the week will sadly deteriorate.

Economically, we feel there are other alternatives to pursue. Ravalli County schools, for example, have joined forces to share in specialized areas and staff. I suspect there are even more alternatives to consider.

The Colorado schools have been experimenting for only 3 years. Is that really sufficient time on which to base conclusions? I don't think so. I've read some of the "glowing" reports from the Colorado schools. And, frankly, Bob, I don't feel we've been given a true and clear picture. One school, for instance, surveyed parents, students, and staff of grades 4-8 and 9-12 and received excellent responses. No mention of grades 1 - 3!!! Another readily admits to long days for younger students.

Montana has been hit and hit hard by the recession. There are a lot of people who will have a hard time getting out of the tunnel. Without a doubt we aren't adding to their problems possibly? Teachers will not be able to get back into the work force for 3 days thus competing in an already overflowing job market. Something to consider, Bob.

I'm asking for your support, Bob, in vetoing the passage of the proposed 4-day school week. At this time I just feel we don't have enough information to warrant "experimenting" on our kids and I also feel there are other alternatives to pursue not to mention, again, my great concern for the young students in this state.

Thank you for your consideration.

Nancy Askin

109
for my children
for my children

John K. ...
Wm. ...
J. ...
C. ...
W. ...

Wm. ...
Ed. ...
Wm. ...

Wm. ...
Wm. ...

Wm. ...
Wm. ...
Wm. ...
Wm. ...

We the undersigned feel the proposed four day school week option (1999) would be detrimental to the welfare of our children.

We do not feel that the hypothetical financial savings are worth the risk to our children.

- Berry Wilson Box 152 Alberton, MT 59820
- Gene Hageland Box 166 Alberton, MT 59820
- John Michels Box 406 Alberton, MT 59820
- John A. Roe Box 209 Alberton, MT 59820
- Rhonda La Clair PO Box 401 Alberton, MT 59820
- Ralph L. La Clair PO Box 40 Alberton, MT 59820
- Ann M. Curtis 70 Box 222 Alberton, MT 59820
- Cathy Conn PO 132 Alberton, MT 59820
- Sandra D. Joci Box 179 Alberton, MT 59820
- David Deeth Box 57 Alberton, MT 59820
- John G. Heath Box 132 Alberton, MT 59820
- Michael Duchamps Box 303 Alberton, MT 59820
- John Hart Box 109 Alberton, MT 59820
- John Hart Box 24 Alberton, MT 59820
- Gregory Rufes Box 252 Alberton, MT 59820

We the undersigned feel the proposed four day school week option

(899) would be detrimental to the welfare of the children.

We do not feel the hypothetical financial savings are worth

the risk to our children.

- ~~John A. Davies~~ Starke St. Box 130 Alberton Mt 59820
- ~~John Lamm~~ Starke Corso 7th Creek Alberton Mt 59820
- ~~John Thompson~~ Box 146 Alberton Mt 59820
- ~~John Munch~~ Box 146 Alberton Mt 59820
- Baron Gray Box 207 Alberton Mt 59820
- Alfred Gray Box 207 Alberton Mt 59820
- Ray Jalmela Box 220 Alberton Mt 59820
- Robert J. Folker Box 72 Alberton Mt 59820
- Sue A. Folker Starke box 72 Alberton Mt 59820
- Leah Anderson Duke Str Rt ALBERTON, MT 59820
- Marie Windy Box 137 Alberton Mt 59820
- Richard Jensen Box 59 Alberton Mt 59820
- ~~John Munch~~ Box 146 Alberton Mt 59820

We the undersigned feel that proposed four day school week option
 2) would be detrimental to the welfare of our children.
 We do not feel that the hypothetical financial savings are worth
 the risk to our children.

- John Leggo Alberton MT 59820
- John Hansen Alberton Mt. 59820
- Amy M Hansen Alberton mt 59820
- John R. Gledhill Alberton Mt 59820
- Barbara Gledhill Alberton Mt 59820
- Clayton Anderson Allerton, MT 59820
- Barbara Smith Alberton MT 59820
- John Gledhill Alberton, Mt. 59820
- Marjorie Hosken Alberton Mt. 59820
- John Gledhill 1/25 Alberton, Mont. 59820
- Barbara Gledhill 1/2 mile Rd, Huxley, MT 59846
- John Gledhill 1/2 mile Rd Huxley MT 59846
- Nancy Pedlow Box 172 Alberton, MT 59820
- John Gledhill Box 172 Alberton, MT 59820
- John Gledhill Box 172 Alberton, MT 59820
- John Gledhill Box 172 Alberton, MT 59820
- John Gledhill Box 172 Alberton, MT 59820

Wm W. Linnell
Charles E. Rock
J. Randall
W. M. Miller

Box 100
Box 276
Box 100

Van D. Wells

Box 443

Box 112

Box 112

Box 112

Box 112

Box 112

W. T. Linnell

Box 205

W. T. Linnell

Box 205

W. T. Linnell

Box 205

W. T. Linnell

Box 205

W. T. Linnell

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W. T. Linnell

Box 205

W. T. Linnell

Box 205

W. T. Linnell

Box 205

Rec'd
Exhibit #4
3/14/23

AMENDMENTS TO HB 879

1. Page 2, line 1.

Following: "."

Strike: "inequality"

Insert: "Sex-based inequality"

2. Page 2, line 2.

Strike: "afforded women and girls at all levels"

Insert: "at any level"

3. Page 7, line 9.

Strike: "or guideline"

1. p. 1, line 14

Following: DISCRIMINATION

Strike: "IN PUBLIC SCHOOL EMPLOYMENT,"

2. Statement of Intent, line 10

Following: ":"

Strike: "public school employment"

Stan Kaleczyc Testimony on House Bill 879

In large part the bill is duplicative of Title 9, but more importantly court decisions and administrative positions in the U.S. Department of Education and in the federal courts are raising the possibility that in the future Title 9 will not be enforced across the board in all programs in the states. This leads me to the basic conclusion that if the members of this committee and the members of the legislature believe in Title 9 and think that is a good sensible law you need at this time to take the opportunity to forestall some trends that seem to be against across the board enforcement of Title 9 and bring that to the state level where you and the people of Montana will have the ability to control the decision making process with respect to this legislation.

Let me explain basically what is happening. For those of you who haven't read Title 9 recently, the act itself, the statute in its operative language, is very simple. It says, "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance". The key words that are causing the problem in the United States today are "under any education program or activity". The United States Supreme Court on May 17, 1982, in *Northgate Board of Education versus Bell*, refused to rule on a very critical part of Title 9. The Court held, in a majority opinion, Title 9 is a program specific, but then the Court refused to define what "program specific" means. As a result we are having two lines of case law developing. In a case called "University of Richmond versus Bell" decided approximately five weeks after the Supreme Court opinion in *Northgate*, the United States District Court for the the eastern district of Virginia held that program specific means that only those programs that directly receive federal money are subject to Title 9 jurisdiction and review. This means very simply that if you havethis is perhaps a very hyperbolic example... if the federal government provides money for science programs to Montana and does not provide monies for non-science curriculum under the decision in the *University of Richmond versus Bell* Title 9 would be enforced only with respect to sex equality and access to the scientific program and Title 9 would not be looked at by the federal government with respect to those other curriculum programs. The contrary line of cases is coming out of the United States Court of Appeals where the Third Circuit has held in two cases now while Title 9 is program specific, it gives jurisdiction to review all of the programs that indirectly benefit from the receipt of federal funds. The Supreme Court has not ruled on this issue. The U.S. Department of Education through its attorneys, and the U.S. Department of Justice are not appealing the decision out of the Eastern District of Virginia. It may be some time before we have a final resolution of the matter. In the meantime I do not

know of any case pending before the United States Court of Appeals Circuit, in which Montana is one of the member states, which is about to decide this issue.

Clearly what is happening, though, is that you have the signal from the United States government and you are having a line of cases which are suggesting Title 9 is not going to be enforced or reviewed to the fullest extent perhaps you and I thought it would be enforced in the future.

What the legislation before you does is bring Title 9 down to the state level and it will provide the State of Montana the opportunity to fully review all the programs of this state to make sure that sex equity in education is assured to our students.

I have a few additional observations of a legal nature you need to keep in mind:

Number one, under Title 9 regulations, anybody receiving federal funds has to have a grievance procedure. The State of Montana has stated that it is in compliance with Title 9, I therefore assume it has the grievance procedure in place and there is no new bureaucracy going to be added as a result of this bill.

Secondly, legally, when you're talking about education, there are a bunch of court decisions that state that part of education is access to the extracurricular programs of the state, including the athletic programs. So do not be deceived by any suggestions that somehow we're elevating athletics to the same level as the normal curriculum because the courts have ruled, over the years, that dates back to at least 1977, that athletics is part of an educational program and is deserving of the protections of Title 9.

And finally, when I look at this bill, and in particular, the civil remedies section Representative Peck referred to, this bill, when taken in its entirety, brings down to the state level what exists on the state level. There is a court case pending in Missoula that I think we're all aware of -- under that decision they alleged to a violation of Title 9 and also violations of civil rights under Section 1983 of Title 42 of the United States Codes. What section 7 of the bill in front of you does is afford those same protections at the state level. What that means to and to me as the attorney that might be involved in such litigation in the future the the local state courts in Montana will have the opportunity to hear these cases in their entirety without resort to the federal court deciding issues that are fundamentally state law and state interests.

With those comments, Mr. Chairman, I'll close and obviously be available for questions.

EXHIBIT #5
3/14/83

BROWNING & KALECZYC
ATTORNEYS AT LAW

R. STEPHEN BROWNING
MEMBER OF THE DISTRICT
OF COLUMBIA BAR

STANLEY T. KALECZYC
MEMBER OF THE DISTRICT
OF COLUMBIA AND MONTANA BARS

WASHINGTON, D.C. OFFICE
SUITE 800
1919 PENNSYLVANIA AVENUE N.W.
WASHINGTON, D.C. 20036
(202) 887-1450

HELENA, MONTANA OFFICE
BOX 162
HELENA, MONTANA 59624
(406) 449-6222

March 15, 1983

To: Representative Ray Peck

Re: HB 879

In light of the testimony presented at the hearing on HB 879, the Educational Equality Act of 1983, and the decision of Chairman Brown to provide for a question and answer period on this bill on Wednesday, March 16, I have prepared a series of questions and answers which I hope will help clear the air with respect to the legal aspects of this proposal.

1. Does this bill elevate extracurricular activities to a constitutional right?

No, as a matter of law, the Legislature can not rewrite the Montana Constitution by this bill. If there exists a constitutional "right" to participate in extracurricular activities, that "right" exists irrespective of HB 879.

Moreover, HB 879 does not say that the ability to participate in extracurricular activities is a constitutional right. Rather, what HB 879 does say is: "Inequality in ... educational opportunities ... is a breach of Article II, section 4 ... and Article X, section 1." There is no questions that, as a matter of law, the opportunity to participate in extracurricular activities is protected, and inequality of opportunity is illegal. Significantly, the opponents of HB 879 do not dispute either of these contentions. Having the opportunity to participate does not excuse students from the obligation to follow applicable rules and eligibility requirements (whether established by the school or by a coach), unless those rules themselves promote inequality.

2. Does HB 879 require anything more than is presently required by Title IX?

No, a school district in compliance with Title IX would be in compliance with HB 879. While the opponents of HB 879 made their "constitutional rights" argument, they did not dispute the basic proposition that Title IX compliance equals compliance with HB 879.

The idle speculation of the Montana School Board Association that HB 879 could result in the building of new facilities has no legal basis, unless the school district is not in compliance with Title IX. And, it is my understanding that all school districts in Montana have stated that they are in compliance. Thus, the Montana School Board Association's argument is without merit.

3. Why enact this bill if it duplicates Title IX requirements?

There are several reasons:

a. Emerging court decisions and decisions of U.S. Department of Education raise the distinct possibility that, as a matter of law, the Federal government will be precluded from enforcing Title IX with respect to all educational programs, and will be limited to review only those programs which directly receive federal funds.

If this happens, the Montana Human Rights Commission, as a referral agency of the Office of Civil Rights (OCR), U.S. Department of Education, will have no greater right to investigate Title IX violations than the federal government.

b. In addition, there is a genuine concern that the federal government is retrenching from Title IX enforcement. The representation made to the Montana School Board Association by Federal OCR representatives that the same level of enforcement will continue is scarcely a resounding commitment to aggressive enforcement.

4. Doesn't Montana's Human Rights Law adequately protect our students?

Equality in educational opportunity is addressed in 49-2-307 of the Human Rights laws. Significantly, the first three subsections of this provision deal with discrimination in application, admission and enrollment. Only subsection 4 contains a general catch-all clause which defines that it is an unlawful discrimination practice "to announce or follow a policy of denial or limitation of education opportunities." No guidelines have been published by the Human Rights Commission which elaborate on this provision.

As a result, absent HB 879, a student who complains that he or she was denied equality of opportunity under 49-2-307 could be required to litigate the definition of equality of opportunity provided in HB 879, as well as the issue of whether discrimination occurred.

In addition, as you pointed out in your testimony, the backlog of cases makes it unlikely that a student would get any legal relief to which he or she might be entitled in a timely fashion.

5. Would passage of this legislation bias the litigation pending in federal court?

Section 2 of the bill states that its purpose is to prohibit discrimination. Section 2 does not contain a specific legislative finding that discrimination is widespread. Accordingly, the plaintiffs in the law suit will still have to prove their case.

The fact that the plaintiffs' attorneys asked who has testified on behalf of the defendants on HB 879 is irrelevant. This is a standard technique which is used in litigation to help develop a list of potential witnesses who might be questioned as part of the preparation for trial.

6. Would passage of this bill require OPI to adopt new procedures or incur extraordinary expenses?

If OPI is in compliance with the Title IX requirement that recipients of federal funds establish grievance procedures, no new procedures are required.

With respect to expense, you have already testified as to the Washington State experience, where additional costs to enforce a virtually identical law are minimal.

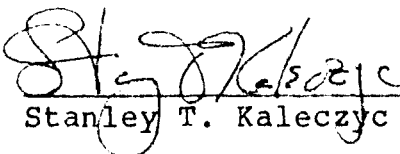
7. Won't passage of this bill open the floodgates for litigation?

Section 7 of the bill provides on the state level the same legal rights afforded to aggrieved parties in federal courts. Title IX permits equitable relief; and, 42 U.S.C. § 1983, the civil rights provisions of federal law, provides for civil damages. Thus, Section 7 gives plaintiffs nothing that they do not already have in a federal forum. It does, however, give them the ability to get that relief in state courts.

More importantly, if this legislation makes it clear to students that they are protected against discrimination; and, as a result, they seek to insure that protection by filing complaints with OPI, by instituting administrative procedures before their local school boards, or, in the extreme case, by filing court actions, then HB 879 can hardly be criticized for giving individuals the means to be free from discrimination.

In the context of equal access to educational opportunities, only those who are not in compliance with Title IX need fear efforts by individuals to enforce Title IX.

BROWNING & KALECZYC

by: 
Stanley T. Kaleczyc

6-#6
4/83

(This sheet to be used by those testify on a ---)

NAME: Daniel W. MARINKOVICH DATE: 3/17/83

ADDRESS: Box 1281, Amherst, MT. 5971

PHONE: 563-6361

REPRESENTING WHOM? School District # 10

APPEARING ON WHICH PROPOSAL: 879

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

COMMENT: Favor BUT feel more research is necessary

Regarding

Section (3) 3

Section (3) (2) (a)

Section (4) 1

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

3/14/83
March 14, 1983

Honorable Chairman Brown, members of the Committee. My name is Daniel W. Marinkovich, Superintendent of the Anaconda Schools and I am speaking as a proponent of SB 879.

I believe the purpose behind SB 879 is important. It is necessary to have someone who understands education to hear complaints of this nature.

There are some parts of the bill which gives me some problems and I would like the committee to address these more thoroughly.

Section 3 (2) (a) "opportunities for Competition" will the committee please explain this more clearly. Does this mean that boys and girls basketball have to be played during the same time of the year? Do they have to have the same number of games? etc.

"Assignment of game officials" How does this affect the M.H.S.A. and M.O.A.?

Section 3 (3) "With respect to course offerings, all classes must be available to all students without regard to sex, except that separation is permitted within any class during sessions on sex education or during gym classes." The during gym classes could be in conflict with Title IX 86.34 (a) (b) (c) (e).

I can see where you can separate in these two instances:

"Students may be grouped by ability in physical education classes and activities as long as ability is assessed by objective standards developed and applied without regard to sex. Students may be separated by sex within physical education classes during participation in contact sports." (86.34 (a) (b) (c))

"Portions of classes in elementary and secondary schools which

deal exclusively with human sexuality may be conducted separately for males and females." (86.34(e))

The Office of Public Instruction in its bulletin of May 1976 regarding Title IX written by Dave Oberly - H & P.E. Supervisor says:

II. PHYSICAL EDUCATION

a) Co-educational Classes

Physical education classes must be co-educational, K-12 and may not be scheduled separately on the basis of sex. Once the students have been scheduled into class co-educationally, there are two (2) exceptions in which they may be grouped.

1. Students may be grouped by skill and ability as based on objective tests within physical education classes. Such groupings within a class may result in groups composed predominantly of one sex or the other. This is acceptable inasmuch as the separation is based upon skill and ability not sex.
2. Students may be separated by sex within physical education classes during participation in contact sport activities. Contact sports include wrestling, boxing, rugby, ice hockey, football, basketball, and other sports the purpose or major activity of which involves bodily contact. Additional sports may be judged by the district to be primarily body contact sports, and may qualify for separation by sex, however, the Office of Civil Rights reserves the right to give final judgment as to whether or not an activity or sport is a contact sport. You should know that the Health, Education and Welfare Department has specifically declared that baseball and softball are not contact sports.

Section 3(4) With respect to selection of textbooks and instructional materials, which include but are not limited to reference books and audio-visual materials, school districts must be required to adhere to the guidelines developed by

the superintendent of public instruction to implement the intent of (sections 1 through 7). This subsection does not prohibit the introduction of material considered appropriate by the instructor for educational purposes.

I could be wrong with this but I believe this is in conflict with Title IX. The Federal Register Vol. 40, No. 108,

Wednesday, June 4, 1975, Rules and Regulations Page 24135 says:

79 The last substantive change in Sub-part D is the addition of specific exemption of textbooks and curricular materials from the scope of the regulation. The new section explicitly states the Department's position that Title IX does not reach the use of textbooks and curricular materials on the basis of their portrayals of individuals in a stereotypic manner or on the basis that they otherwise project discrimination against persons on account of their sex. As stated in the preamble to the proposed regulation, the Department recognizes that sex stereotyping in textbooks and curricular materials is a serious matter. However, the imposition of restrictions in this area would inevitably limit communication and would thrust the Department into the role of Federal censor. There is no evidence in the legislative history that the proscription in Title IX against sex discrimination should be interpreted as requiring, prohibiting or limiting the use of any such material. Normal rules of statutory construction require the Department, wherever possible, to interpret statutory language in such a way as to avoid potential conflicts with the Constitution. Accordingly, the Department has construed Title IX as not reaching textbooks and curricular materials on the ground that to follow another interpretation might place the Department in a position of limit-free expression in violation of the First Amendment.

80 The Department received a number of comments as well as one petition concerning discrimination in textbooks and curricular materials. The comments in favor of including coverage of textbooks and curricular materials came from national organizations, several college or university presidents or chancellors, several local school superintendents, several local organizations and interest groups, and a number of individuals. Comments opposing coverage were also submitted.

One other question I have with the Bill is its vagueness in Section 4 - Duties of the Superintendent of Public Instruction. Does this mean the demise of the M.H.S.A. and its work being taken over by O.P.I. If so, then all non-public schools like Manhattan Christian, Billings Central, Butte Central, etc. will no longer be able to share in receipts of Association events. Receipts then would have to go to the States General Fund, and non-public entities can share in state monies. I ask the committee to address the aforesaid. If they do not have the time to fully address them properly, appoint an interim committee to research the problem and come back to the next legislature with a more complete bill. Representative Peck should be commended on his efforts to remedy this problem.

Thank you.

3/14/83 (This sheet to be used by those testifying on a bill.)

NAME: Jean G. Dimich DATE: 3-14-83

ADDRESS: 2917 Lusk Dr. Billings MT 59102

PHONE: (406) 252-5418

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: A-B.

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

COMMENT: See attached testimony

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

I am Jean C. Dimick from Billings, Montana. I am here as a private citizen who has been in teaching career counselor at the college level for 15 years. Prior to that I was a Home Economics and History teacher in Montana schools. For three years - from 1970-73 I administered a six year institute which provided assistance to school districts ^{of all sizes} around the state when Title IX first became law. Thus I believe I am in a good position to know what is involved in complying with a sex equity law.

St. Louis, Mo. do Sects
By the way

is a curriculum
that people
will be doing
in the future
so why not
start now?

One of the major arguments against Title IX was that the federal government was telling Montanans what to do. As a third generation Montanan, I can certainly agree with that. It is much better to have laws enacted at the state level with input from local educators than to have proclamations from Washington D.C. In this case this bill, H.B. 879, will simply re-enact what should have ^{been} already in place. School districts were supposed to have been in compliance with Title IX since 1978. But ~~as~~ ^{if} they are not, this may be where resistance to this bill is coming from. Thus H.B. 879 is not adding another layer of bureaucracy; it is simply bringing things ^{home} closer to where we already have an existing ^{state} administrative unit - the Office of Public Instruction - to provide assistance as well as monitor compliance. This can be done very inexpensively - the ^{of} staff and the fees of communication with local school districts are already in place. Instead of

hiring new staff, the OPI will mainly need to re-train
those staff members who are already responsible for ~~community~~
~~community~~ ~~work~~ ~~with~~ school personnel.

In summary - I support this bill because:

(a) It addresses equity in education and that is
what Montana boys and girls get their start toward
becoming productive, self sufficient adults.

(b) It reaffirms the ~~Montana's~~ ~~Montana's~~ constitutional
commitment to equal rights.

(c) It reaffirms what should already be in place in
the school.

(d) The implementation of the law can be very easily
integrated into already existing administration
entities - the Office of Public Instruction and local school
districts.

(e) I have seen Title IX work - those districts which
had administrators who wanted to see sex equity in
the schools make it happen. Where there is a
will, there is a way.

3/14/83 (This sheet to be used by those testifying on a bill.)

NAME: Sally Moore DATE: 3/14/83

ADDRESS: 1217 So Clark, Bozeman, MT 59715

PHONE: 587-3372

REPRESENTING WHOM? myself

APPEARING ON WHICH PROPOSAL: HB 879

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

COMMENT: see attachment

Multiple horizontal lines for additional comments or notes.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

March 9, 1983

Members of the Senate Education Committee

I am writing in support of HB 879 to provide educational equity in the public schools.

I am a past employee of the Office of Public Instruction, working there from 1977 to 1981. I held the position of Human Potential Development specialist and worked in the area of sex equity in vocational education, implementing federal legislation. I participated in approximately 30 school evaluations, both Northwest Accreditation and state Vocational Education reviews. It was my business to evaluate sex equity and the implementation of Title IX, the federal law dealing with sex discrimination.

The following were some of my observations while evaluating high schools:

1. Title IX self evaluations required to be completed by schools in 1974 were not on file nor could they be remembered. Most of the time all that could be found was a file containing Title IX materials as they had been received from federal or state sources.
2. All schools in the state had filed an assurance of compliance with the federal government assuring that they had completed a self evaluation and had or were working on correcting inequities in their school systems. Any school which did not do this would have had their funds cut off.
3. In some schools physical education classes were not co educational, which was required by law to have been completed by 1978. Boys PE and Girls PE were still on the junior high and high school schedules.
4. There was still an imbalance in athletic programs - usually four being offered for boys and 2 for girls. Boys were not allowed in most instances to be cheer leaders or be on drill teams.
5. In at least one school, girls were required to wear dresses, boys were required only to dress neatly.
6. In the counseling area, girls and boys were still being steered into educational and employment opportunities that are stereotypic for their sex.
7. Vocational class enrollments were changing in some areas, but not in others:
Trades and Industry classes were 4% female, no change over 4 year period.
Vocational Agriculture classes were 9% female, no change over 4 year period.
Distributive Education classes were increasing in male enrollment to 45%
Business and Office classes were increasing in male enrollment to 30%
Home Economics classes were increasing in male enrollment to 45%

Classes were open to both sexes by law, however, classroom environment is not always conducive to encourage the retention of girls or boys in courses non traditional for their sex.

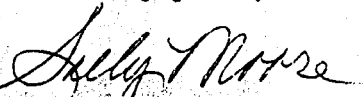
8. Student handbooks seldom, if ever, included statement of non discrimination, grievance procedure, or listed the person who coordinated Title IX activities and reviewed grievances. This information is required by law to be made available to students, parents, and teachers every year.

There are no activities in the state to my knowledge that are assuring that Title IX is being enforced in the public schools. The Office of Public Instruction does offer technical assistance to schools that request it. The Department of Vocational Education has a person on staff required by law to see that sex equity is addressed in vocational education in the state.

I support HB 879 because I believe that Montana is short changing her students. Sex discrimination affects both sexes. The state of Montana is not assuring equality of educational opportunity for all students as required by our own Constitution.

For additional information please do not hesitate to contact me.

Sincerely yours,


Sally Moore
1217 South Black
Bozeman, Montana 59715
587-3372

3/19/83

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



EDUCATIONAL EQUITY ACT OF 1983 -- HB879 (PECK et al)

What is the purpose of HB 879?

The purpose of HB 879 is clearly and simply to prohibit sex discrimination in education programs and activities receiving state funds. It requires the superintendent of public instruction to develop rules and guidelines to eliminate discrimination with regard to:

- . counseling and guidance services
- . access to course offerings
- . recreational and athletic activities
- . textbook and instructional materials

The areas in this bill are covered in similar language in federal Title IX of the 1972 Education Amendments signed by President Ford. Title IX prohibits sex discrimination against students and employees in all programs and activities in school and universities receiving federal funds.

State Commitment to Sex Equity

Many states have affirmed their commitment to sex equity by establishing laws and policies similar to HB 879. States which have such laws include Massachusetts, Alaska, Washington, Nebraska, Iowa, South Dakota, Pennsylvania, and California. All of these states also have equal rights provisions in their state constitution. HB 879 is modeled after the Washington state law enacted in 1975.

As the federal role in education undergoes redefinition, it is particularly important now that Montana join these states in committing to progress in achieving sex equity in education. Enacting state legislation is important to preserve and enhance the progress made in achieving sex equity during the past decade.

HB 879 does not force any drastic changes for schools in this state. All schools which are in compliance with Federal Title IX will be in compliance with HB 879. HB 879 only maintains our current standards of sex equity in education and makes an explicit state statutory commitment to sex equity in education -- which is important now that the federal government has pulled off enforcement of sex equity.

Federal Commitment to Sex Equity

On the federal level there has been a retreat from enforcing sex equity in education, as called for in federal Title IX.

For example, on August 12, 1981, Vice President Bush announced that the Department of Education rules concerning Title IX were among those targeted for possible elimination or easing. (New York Times, August 13, 1981)

Thy A. van Hook
President

Sib Clack
Vice President

Connie Flaherty-Erickson
Treasurer

Celinda C. Lake
Lobbyist

Stacy A. Flaherty
Lobbyist

According to USA Today (July 1982), Title IX is under sharp attack from Secretary of Education Terence H. Bell. Bell has urged the Department of Justice to reverse its contention that Title IX protects teachers and administrators, as well as students, from discrimination. In an April 24, 1981, letter to Senator Paul Laxalt, Bell wrote, "In my opinion, the Title IX regulations need to be modified, ... I ... plan to cut back as much as I can..."

Implementation of the bill : MYTHS AND FACTS

MYTH: This will cost the state and school systems a great deal of money.

FACT: When the state of Washington enacted their Sex Equity Act, they were enforcing the federal Title IX. For the first three years, they added no personnel and ultimately funded one additional position to enforce their sex equity law. This staff person, along with existing staff enforces the law in 300 Washington school districts. THE COST OF WASHINGTON'S BILL IS APPROXIMATELY \$72,000 FOR THE BIENNIUM.

MYTH: Sex equity imposes burdensome paperwork and record keeping requirements.

FACT: If districts are in good faith compliance, their existing records and timetables for federal Title IX could be used to fulfill state requirements. (See Statement of Intent for HB 879.)

MYTH: This bill duplicates the Human Rights Act.

FACT: HB 879 specifically lists and clarifies areas in which sex discrimination is prohibited in public schools. Like federal Title IX, the bill establishes procedures for ensuring compliance of sex equity without individuals bringing suit for each incident. The Human Rights Division concentrates on employment cases and they presently have a sizeable case backlog.

Conclusion

HB 879 is an important opportunity to ensure a quality and equitable education for all youths in Montana.

HB 879 supports existing laws and policies, such as Article II, Section IV, and Article X of the Montana constitution, the Human Rights Act, and the Board of Public Education's position statement of sex discrimination and stereotyping in the public schools (1975). House Bill 879, however, is a comprehensive piece of legislation that encourages and mandates the state of Montana, specifically the Superintendent of Public Instruction to take a role in promoting sex equity in our public schools in Montana.

(This sheet to be used by those testifying on a bill.)

NAME: Terry Lynn Minow DATE: 3-14-83

ADDRESS: P.O. Box 513, Boulder, MT 59632

PHONE: 225-4397

REPRESENTING WHOM? Montana Federation of Teachers, AFT, AFL-CIO

APPEARING ON WHICH PROPOSAL: HB 879

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT: HB 879 will help Montana
meet its constitutional mandate
of equity in education. This
bill is necessary to help meet
that mandate.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Harriet Meloy

DATE: 5/13/83

ADDRESS: 1317-9th ave, Ukiah

PHONE: 442-8112

REPRESENTING WHOM? American Association of University women

APPEARING ON WHICH PROPOSAL: NB 879

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT: The American Assoc. of Univ. Women ~~has~~ supported Title IX provisions since inception of the law over 10 years ago. As a matter of fact the national convention in San Francisco in May has as its central theme EQUITY. We are proud of the gains that have been made and anxious that progress continue to bring about equality of opportunity for women in employment, accessibility to math and science fields, in sports, etc. We are concerned that text books and resource materials are still full of the usual sex stereotyping. We are concerned that there are still only a few women in educational administration, that girls sports are scheduled at odd times of the year when

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

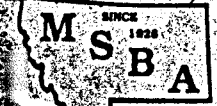
The sport is not in the public mind and eye - such as girls basketball being played in Nov. etc. etc.

We are worried about the federal role ~~under~~ involving Title IX ~~is~~ being

diminished by the present administration
as has been indicated in published
material from A.A.U.W. ~~and~~ quoting
V. Pres Bush and Dr. Terrell Bell
who have both said recently that
the federal gov't's involvement will decline
in the next months and years.

We in A.A.U.W. believe that states
~~are~~ ^{are} being compelled to pick up the
responsibility of continuing programs
under Title IX so that all of the
gains made over the last ten years
~~are~~ ^{are} not lost.

Let's all work together to support
this legislation ^{and make it work} so that equality of
opportunity continues under TITLE IX
in the state of Montana.



3/14/23
H/1

MONTANA SCHOOL BOARDS ASSOCIATION

501 North Sanders
Helena, Montana 59601
Telephone: 406/442-2180
Wayne G. Buchanan, Executive Director

TESTIMONY OF CHIP ERDMANN HB 879

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P.O. Box 2042
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Miles City, MT 59301
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- MISSOULA DIRECTOR**
CHARLES BRIGGS
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Missoula, MT 59801

This bill prohibits sex discrimination against students in Montana's public schools. It specifically refers to counseling and guidance services; recreational and athletic activities; course offerings and textbooks. All of these areas are currently covered by Title IX on the federal level (which the bill was patterned after) and the Montana Human Rights Act, and in part, the Governmental Code of Fair Practices.

WHAT IS THE STATED NEED FOR THIS ACT?

The proponents claim that the federal government is withdrawing its enforcement of Title IX and that this act is needed to fill the vacuum. They also claim that if this act is adopted the federal government will stay out of Montana in this area.

Our research has shown these concerns to be unfounded. The administrator of the Office of Civil Rights, which enforces Title IX in Montana informed me that:

- 1) The Office of Civil Rights was not decreasing their level of Title IX enforcement in Montana.
- 2) Regardless if this act passes, they are under a statutory mandate to investigate and take action on all complaints filed with them. This bill would have no effect on their enforcement efforts in Montana.

IS THIS ACT NECESSARY IN MONTANA

Currently Montana has two statutes which deal with discrimination in education. Section 49-2-307 in the Human Rights Act and Section 49-3-203 in the Governmental Code of Fair Practices. § 49-2-307 is a comprehensive statute dealing with all types of discrimination in education, with enforcement by and through the Human Rights Commission.

Attached is a summary of all state laws dealing with discrimination in education. There are 7 states that have comprehensive acts which are enforced by specific agencies. The remaining states have statutory prohibitions against discrimination, but with no enforcement agency.

Of the 7 states that have detailed statutes, two general groups become clear. Those states that have adopted acts specifically dealing with sex discrimination in education, with enforcement in the state education office. (Washington, Alaska, Nebraska) These states do not have a specific statute dealing with discrimination in their Human Rights Law. The other four states have decided to address this area through their Human Rights Commission (Montana, Idaho, South Dakota and Pennsylvania)

The point is that everything HB 879 provides is already covered by Montana law, although not in the same detail. When the Montana Legislature adopted our Human Rights Act in 1974, they made a policy decision that discrimination would be handled in one central agency, rather than piece meal. Passage of this bill would reverse that policy decision and erode the Human Rights Commission's jurisdiction in this area. If this is passed what special interest group will come in next for their own act - the elderly, the handicapped?

WHAT WILL BE THE EFFECT OF TWO STATE ENFORCEMENT AGENCIES

If this bill passes, both OPI and the Human Rights Commission will have administrative authority in the area of sex discrimination in education. This will lead to two separate bodies of administrative law developing in the same area in Montana. It will lead to "forum shopping." A person who alleges a complaint in this area can file with OPI, and if they are not satisfied, can then file with the Human Rights Commission and then with the Office of Civil Rights.

This will cause needless expense to both the state and the districts as the same issues are relitigated over and over again.

WHAT WILL BE THE EFFECT ON THE DISTRICTS

By raising athletics and extracurricular events to be included in the "educational opportunities" guaranteed by the Montana Constitution, several problems are created for the school districts. If participation in athletics is a constitutional guarantee, can the school drop a sport due to financial reasons? It may not be able to under this act, and it certainly gives someone the right to challenge such an action by a school board.

The proponents claim this act will not cost the districts any money. A careful reading of this bill clearly demonstrates that the bill will have a major financial impact on many districts.

Personnel will have to be hired, or diverted from other areas, to ensure compliance. The athletics section (page 4, line 4-25) plainly states there will be no disparity based on sex for equipment and supplies, etc. That will require an expenditure of funds. The facilities must be comparable - remodeling or construction will be required in many schools. Further, under the civil action section, a court could order a school district to construct or remodel.

PRIVATE SCHOOL IMPACT

Another consideration to look at is the impact on private schools. By raising athletics and extracurricular events to a constitutionally guaranteed "educational opportunity" private schools will be affected. Although the bill only addresses public schools by name, the Constitution applies to everyone, and this could force private schools under more state jurisdiction than this legislature has envisioned.

CIVIL RELIEF SECTION

Section 7 of the bill would create a private right of action for an individual to come in and sue a school district for money damages and equitable relief. This is an extension of Title IX, which does not provide for a private right of action. If a school district is alleged to have discriminated, even if they are working to remedy the situation, they will be liable for civil damages.

The equitable relief provision also causes us some concern. Take the area of textbooks - the manufacturers of textbook series are aware of the sex bias issue and new series generally do not have problems in that area. As old series of textbooks wear out or are outdated schools order the new series. Eventually there will be no sex-bias text books in Montana schools. Under this section an individual could bring a lawsuit alleging that various textbooks series used by a district were sex-biased. If the court agreed it could order the district to immediately replace these series. A series could easily cost between \$60,000 to \$70,000.

The proponents may claim this will not happen under the act. The point is that it could, and if it happened the district could be in real financial trouble.

SUMMARY

School districts view this bill as being unnecessary. The Human Rights Commission already has the jurisdiction and the expertise to enforce this area. The bill would take away local control in athletics and other extracurricular events. While the cost impact is impossible to calculate, it would be significant. We urge a do not pass on HB-879.

States with specific sex equity laws
in education - specific enforcement agency

- Washington (1975) (School)
- sexual disc only
- OPI enforcement
- Alaska (1981) (Education)
- sexual disc. only
- OPI enforcement
- Nebraska (1982) (Schools)
- sexual disc. only
- local school dist. enforcement

States with comprehensive discrimination
in education statutes - Human Rights
Comm. enforcement

- Montana (1974) (Human Rights)
- part of disc. act
- race, creed, religion, sex,
marital status, color, age,
physical handicap, national origin
- exclude, expel, limit or
otherwise discriminate against
a student in the terms,
conditions or privileges
of educational institution
- enforced by Human Rights Comm.
- Idaho (1969) (Human Rights)
- part of disc. act
- race, color, religion, sex
national origin
- same coverage as Montana
- enforced by Human Rights Comm.
- South Dakota (1972) (Personal Rights)
- part of disc. act
- race, color, creed, religion, sex
ancestry or national origin
- similar coverage as Montana
- enforcement by Human Rights Comm.
- Pennsylvania (1972) (Education)
- Fair Education Act enforced
by Human Rights Commission
- race, religion, color, ancestry,
national origin, sex
- similar coverage as Montana

States with specific sex equity
laws in education - no enforcement agency

- California (1977) (Equal Op.)
- sexual disc. only
- no specific enforcement agency
- 2 statutes

Hawaii (1976) (Education)
- sexual disc. only
- no specific enforcement agency
- 2 statutes

States with specific sex disc. law
in athletics only

Minnesota (1975) (Education)
- single statute
- enforcement - State Board of Education

Michigan (1970) (Education)
- single statute
- no specific enforcement agency

Louisiana (1980) (Education)
- single statute
- no specific enforcement agency

States with comprehensive discrimination
in education statutes - no specific
enforcement agency

Iowa (1974) (Education)

Dist. of Columbia (1973) (Human Rights)

New Jersey (1974) (Education)

Illinois (1963) (Schools)

Oregon (1965) (Education)

Wisconsin (1975) (Pub. Inst.)

Mass. (1971) (Education)

Conn. (1978) (Education)

(2) It is an unlawful discriminatory practice for a creditor to discriminate on the basis of race, color, religion, creed, national origin, age, mental or physical handicap, sex, or marital status against any person in any credit transaction which is subject to the jurisdiction of any state or federal court of record.

History: En. 64-306 by Sec. 2, Ch. 283, L. 1974; amd. Sec. 2, Ch. 121, L. 1975; amd. Sec. 3, Ch. 524, L. 1975; amd. Sec. 7, Ch. 38, L. 1977; R.C.M. 1947, 64-306(5), (8).

49-2-307. Discrimination in education. It is an unlawful discriminatory practice for an educational institution:

(1) to exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, or privileges of the institution because of race, creed, religion, sex, marital status, color, age, physical handicap, or national origin or because of mental handicap, unless based on reasonable grounds;

(2) to make or use a written or oral inquiry or form of application for admission that elicits or attempts to elicit information or to make or keep a record concerning the race, color, sex, marital status, age, creed, religion, physical or mental handicap, or national origin of an applicant for admission, except as permitted by regulations of the commission;

(3) to print, publish, or cause to be printed or published a catalog or other notice or advertisement indicating a limitation, specification, or discrimination based on the race, color, creed, religion, age, physical or mental handicap, sex, marital status, or national origin of an applicant for admission; or

(4) to announce or follow a policy of denial or limitation of educational opportunities of a group or its members, through a quota or otherwise, because of race, color, sex, marital status, age, creed, religion, physical or mental handicap, or national origin.

History: En. 64-306 by Sec. 2, Ch. 283, L. 1974; amd. Sec. 2, Ch. 121, L. 1975; amd. Sec. 3, Ch. 524, L. 1975; amd. Sec. 7, Ch. 38, L. 1977; R.C.M. 1947, 64-306(7).

49-2-308. Discrimination by the state. It is an unlawful discriminatory practice for the state or any of its political subdivisions:

(1) to refuse, withhold from, or deny to a person any local, state, or federal funds, services, goods, facilities, advantages, or privileges because of race, creed, religion, sex, marital status, color, age, physical or mental handicap, or national origin, unless based on reasonable grounds;

(2) to publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement which states or implies that any local, state, or federal funds, services, goods, facilities, advantages, or privileges of the office or agency will be refused, withheld from, or denied to a person of a certain race, creed, religion, sex, marital status, color, age, physical or mental handicap, or national origin or that the patronage of a person of a particular race, creed, religion, sex, marital status, color, age, or national origin or possessing a physical or mental handicap is unwelcome or not desired or solicited, unless based on reasonable grounds;

(3) to refuse employment to a person, to bar him from employment, or to discriminate against him in compensation or in a term, condition, or privilege of employment because of his political beliefs. However, this prohibition does not apply to policymaking positions on the immediate staff of an elected

GOVERNMENTAL CODE OF FAIR PRACTICES

49-3-203. Educational, counseling, and training programs. All educational, counseling, and vocational guidance programs and all apprenticeship and on-the-job training programs of state and local governmental agencies or in which state and local governmental agencies participate must be open to all persons, who must be accepted on the basis of merit and qualifications without regard to race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap, or national origin. Such programs must be conducted to encourage the full development of the interests, aptitudes, skills, and capacities of all students and trainees, with special attention to the problems of culturally deprived, educationally handicapped, or economically disadvantaged persons. Expansion of training opportunities under these programs must be encouraged to involve larger numbers of participants from those segments of the labor force in which the need for upgrading levels of skill is greatest.

History: En. 64-323 by Sec. 8, Ch. 487, L. 1975; amd. Sec. 14, Ch. 38, L. 1977; R.C.M. 1947, 64-323; amd. Sec. 15, Ch. 177, L. 1979.

3/14/83

TESTIMONY OF MONTANA HIGH SCHOOL ASSOCIATION

IN OPPOSITION TO HOUSE BILL 879

MEMBERS OF THIS COMMITTEE:

My name is Ronald F. Waterman. I appear today on behalf of the Montana High School Association in opposition to House Bill 879. The historical record of the Montana High School Association in the area of sex equality in extracurricular activities will substantiate the fact our opposition to this bill does not reflect opposition to the principle that discrimination should not exist within education.

The programs of the Montana High School Association have been operated without regard to sex. The Association is proud of its record in sponsoring women's athletics as compared to the rest of the nation. Women champions were first recognized in 1935 in the sports of golf and tennis in Montana. Today there are seven sports in which the Association sponsors both boys and girls teams; two additional sports have no sex-related criteria for participation. One sport is operated exclusively for women. Thus today in Montana, women have access to ten sports and men to nine.

The two major team sports for women, track and basketball, were initiated in 1969 and 1972 respectively. We point out that the initiation of these sports resulted from interest expressed by schools and women themselves and predated any legislative or judicial mandate requiring that action. The Association was ahead of most of the other states of the nation at the time of sanctioning these sports and remains today in that posture. In the slightly more than 10 years of the existence of these sports, Montana has produced at least a half dozen national and world class women track athletes. They include Julie Brown, Billings; Pam Spencer, Great Falls; Lorna Griffin, Corvallis; Mary Osborn, Billings; and Lexie Miller, Kalispell. That list would also include Shannon Green from Big Sandy were it not for her unfortunate death in an automobile accident. By comparison the men have produced perhaps two world class track athletes. (Doug Brown and Larry Questad). In basketball, the number of college scholarships going to women outnumber those to men by almost four to one. These discrepancies do not result from the fact Montana women are relatively superior natural athletes than are the men, but rather demonstrates

Montana's relative lead over the rest of the nation in womens' athletics.

The Association opposes this bill not because it contests the principle of equal opportunities in extracurricular activities but rather because this bill represents an unnecessary change in the fundamental nature of sports in Montana. Our specific objections are as follows:

1. The act jeopardizes the continued existence and viability of the Montana High School Association. This jeopardy arises because the act defines athletics and recreational activities as "education" in the constitutional sense. As a constitutional activity it becomes very questionable whether a private voluntary association such as the Montana High School Association can continue to regulate these activities at all in Montana. We believe OPI may be required by a Court, at first opportunity, to assume control of these activities.

2. The act will alter the basic nature of extracurricular activities in Montana. By passing this act, the legislature will have made extracurricular activities a constitutional right. This drastically alters the basic law in this area which heretofore has always held that such activities were a "privilege" and not a "right". That distinction has been essential to extracurricular activities as we know it. For example:

(a) Presently the Montana High School Association requires that a student achieve a certain academic standard before he or she will be allowed to participate in extracurricular activities. By elevating these activities to a "right", participation cannot be contingent on such a requirement. Under this act, the right to participate in extracurricular activities is co-equal with the other identified traditional areas of education such as reading and math. Participation in one could not be predicated on adequate performance in another.

(b) Presently a coach or sponsor can establish rules which must be followed in order for a student to be accorded the privilege of participation. Since such participation will now be a "right" it is questionable whether such rules are viable.

(c) Since extracurricular activities, and these include speech, drama and music, will be a "right" under this act, it is then arguable that schools must provide everyone with the opportunity to participate. At the very minimum a school will have to establish objective standards by which a team will be

chosen and any person not selected for that team would have certain due process rights including a right to a hearing to contest why he or she was excluded.

All of the above effects arise naturally from the simple fact this bill chooses to accord extracurricular activities the same constitutional status as the traditional components of education. All present rules of both the Association and the individual schools are premised directly upon the fact that extracurricular activities have heretofore been classified as a privilege. Arguably, none of these rules will withstand the basic changes made by this legislation. The effect will be injurious for both extracurricular activities and for education itself.

3. This act seriously jeopardizes pending litigation. There is presently filed in federal court a class action suit by three named Plaintiffs against three schools, this Association, and the Office of Public Instruction. The suit is being prosecuted by the Denver chapter of the American Civil Liberties Union and will be decided by a Federal Judge from Idaho. The ACLU is frank to admit that Montana is being made a test case for the nation. The ACLU seeks to revolutionize sports as it exists today and the suit includes a sizeable request for money damages. The objectives of that suit are to:

(a) Have the court declare that discrimination in Montana is pervasive and injurious to women;

(b) Have the court declare that sports is a fundamental right and not merely a privilege; and

(c) Have the court declare that the Office of Public Instruction has the duty to assume direct responsibility to regulate athletics just as it does education.

Defendants in this suit have denied all of the above and until this legislation was proposed, the Association was of the opinion it would prevail since the arguments presented were unsupported by any legal precedent. If passed, this act would alter the foregoing position and substantially assure a judgment favoring Plaintiffs on all of the relief sought.

4. This act deprives the Association of the flexibility it needs to correct existing effects of past discrimination. Our rules presently contain provisions that discriminate in favor of women. For example, we provide

for exclusively women drill teams which are a popular activity in many schools. Because up to now extracurricular activities have been a privilege and not a right, we have been confident the Association could withstand an attack by a male demanding to join such a team. Under this act this activity becomes a right and schools will be required to include males. In sports, up until recently, the Association had equality in sports opportunities, in the legal sense, because in every sport there was either a team for both boys and girls or the team was open to either sex. This procedure is legally permissible. However, actual participation in some contact sports demonstrate that equality in the legal sense is not always fairness. In practice very few women have any interest in participating in heavy contact sports. Therefore, womens' volleyball was sanctioned last winter by the Association. This sport is unique in that there is no corresponding mens' team. It is the only sport in Montana in which only one sex has access. Without this act we are confident the Association can defend that status. With the passage of this act, any offered defense would be doubtful.

5. This act subjects the schools of Montana to the burden of complying with still another perspective on exactly what constitutes sex discrimination. There is no corresponding benefit to either the school or to women. Already women have remedies under the Federal Constitution, the State Constitution, the Human Rights Act, Section 1983 of the Federal Codes and Title IX of the Federal Codes. In the Association's experience, no two opinions are alike as to what is and is not unlawful discrimination. This act will not enjoy exclusive jurisdiction in this area; it will make no definitive statement as to what is and is not permissible. It will only subject the schools to still one more opinion as to what ought to be done and how fast it should be accomplished.

6. Finally, consideration should be given to the provision of the act creating a private legal remedy favoring all parties who believe they have been discriminated against. The threat of suit may deter action to correct inequities since such efforts may become evidence of past discrimination. Moreover, the likelihood of a multiplicity of litigation is substantial. One state which recently permitted extracurricular decisions to be challenged by administrative and court review experienced an increase in suits from five suits to 273 suits in the first year after the change occurred. A similar increase in litigation could be predicted should this bill pass.

NAME: GEORGE "JACK" Capps DATE: 3/14/83

ADDRESS: 1920 Highland

PHONE: 443-7261

REPRESENTING WHOM? Helena School Dist #1

APPEARING ON WHICH PROPOSAL: HB 879

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE?

COMMENT: See Prepared Statement

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

3/14/83

March 14, 1983

To Whom It May Concern:

I am an opponent to H.B. 879 not because I am opposed to sex equity but rather because I believe this proposed legislation legislates more than its author(s) intended and certainly far more than what was ever intended by Title IX.

Representative Peck recently stated and I quote: "I introduced H.B. 879 because I believe it will keep the uninformed investigators from the Office of Civil Rights and the Human Rights Commission out of local school districts in Montana." I applaud his fantasy but know that little could be further from reality. The uninformed will continue to do as they well please and, most certainly, the Human Rights Commission will not ignore school related matters. H.B. 879 will not serve its intended purpose. H.B. 879 is much more dangerous than that.

Members of the legal profession who are well informed in matters related to student activity legislation and related court decisions would tell you that Section 2, H.B. 879 gives students a right of access to activity programs. Though I don't believe the author(s) or the sponsors intended that to happen, that in fact is what happens. Students no longer could be excluded from interscholastic activities because they fail to maintain passing grades in 15 hours of prepared work per week; 20 and 21 year old students could no longer be excluded from participating in interscholastic contests in light of the objective of fostering safety and fairness in competition; and athletes recruited/proselyted from other schools could not be excluded from interscholastic participation.

Members of the committee, I urge a NO vote on H.B. 879.

Sincerely,



Jack Copps
Assistant Superintendent
Helena Public Schools

JC:kk

2/11/83
3/14/83



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 449-3095

Ed Argenbright
Superintendent

March 14, 1983

TO: Senator Bob Brown, Chairman
Members of the Education and
Cultural Resources Committee

FROM: Judith A. Johnson
Assistant Superintendent
Department of Special Services
Telephone: 449-3693

RE: HB 879

A bill for an Act entitled: "An Act to prohibit discrimination on the basis of sex against any student in the public schools of Montana; to require the Superintendent of Public Instruction to develop rules and guidelines to eliminate sex discrimination in public school employment, in counseling and guidance services, in access to course offerings and recreational athletic activities, and in textbooks and instructional materials; and to allow the Board of Trustees of a district to appeal notification of an alleged violation; amending Section 20-3-107, MCA."

We want to make it very clear that the Office of Public Instruction strongly supports Title IX and Sex Equity.

As Title IX and Sex Equity coordinator for the Office of Public Instruction, as well as having National Origin and Handicapped programs in my Department, I want to inform you of the stance and philosophy of the Office of Public Instruction. Under the constitution and several federal and state laws, it is our responsibility to guarantee equal educational opportunity to all students in the state of Montana. Two years ago, when Superintendent Argenbright was elected, a conscious effort was launched to do this. The theme equal opportunity and excellence is part of every program. We believe it is our responsibility to provide assistance to school districts so that they are, in fact, also

providing equal opportunity, but doing so because it is good educational practice and economically feasible, not because of threat of loss of funds and litigation. We have not changed any laws or regulations, but what we have done is provide countless workshops and on-site assistance to school districts throughout the state so that each district has the ability and knowledge to assure their local patrons that every child, regardless of national origin, handicapping condition, race or sex, is being challenged to their full potential.

We have worked extensively with all levels of local districts, classroom teachers, counselors, administrations and school boards. We are extremely proud of the track record of the local schools and, candidly, one of the measures of success is the low incident of due process hearings, court proceedings and the lack of parental complaints filed in our office in the last two years. We feel that this is due to a change in philosophy in the Office of Public Instruction from an adversary position with districts to one of technical assistance and trust. You have, attached to my testimony, a list of formal workshops. This is only the tip of the iceberg as far as what has been done. Knowing that one must start at home, we have followed the example of the federal administration and done, by example within the Office of Public Instruction, all that we have been asking local districts to do. We have held workshops on equal opportunity and education. Superintendent Argenbright has hired according to ability, regardless of sex or handicapping conditions.

It is because of this commitment and attitude that we have some very genuine concerns about HB 879. The sponsor's statements concerning the Office for Civil Rights and the federal government are partially true. The role of the "Feds" has changed, just as ours has, in that they provide us and local districts a great deal of assistance. We have used the Office for Civil Rights as our technical assistants repeatedly in all areas from Title IX to handicapped. This does not lessen their role as compliance officers; however, it does assure us before we get into trouble that we can call them for help. Equity and equal opportunity is an attitude, a long-standing individual traditional attitude.

I can document that what we are currently doing, through examples both on the federal and state levels concerning equal opportunity, will change attitudes and because it is good sound education practice to develop kids' potential to its fullest regardless of "what" they are, not because they will get sued if they do not do it. So, I do not believe that we need to create another office for human rights or a "Human Rights Commission" for athletic and sports without first gathering some facts and data concerning the extent of problems and the impacts of the strict enforcement on Montana's sports programs.

What the Office of Public Instruction is currently doing, through workshops and technical assistance, is part and parcel of everything we are funded to do--granted 100 percent are federal funds which we mix and match and watch decrease every day. What HB 879 does is make us an adversary, as well as compliance and monitoring agent. We have currently

been reduced over \$25,000 in in-state travel money alone. We are not able financially to carry out the compliance, monitoring and due process aspect of HB 879 without funding. Nor do I believe a bill with this strong commitment to sex equity, which I feel is different than our commitment to equal opportunity, should pass without just as strong a fiscal commitment by the legislature.

The sponsor of this bill is seeking immediate enforcement in Montana's ⁵⁴⁰ ~~100~~ school districts of this law and yet has spearheaded to cut those portions of our existing office budget needed to accomplish this goal. The fiscal note of \$500,000 is not at all unreasonable if we were to begin immediate enforcement action. I do not believe that a series of enforcement actions and lawsuits would change many attitudes or impressions. It could seriously damage the progress which we are now making in Title IX and sex equity.

The Superintendent believes that this swift and complete intrusion of his office into the every day activities in sports programs could seriously damage that local control and erode what progress has been made to date. We do feel a survey of Montana schools would be valuable, and we propose to do this regardless of what happens to this bill.

We are submitting amendments to the committee seeking compliance with Title IX. This bill is not in compliance with Title IX, and it is the objective potential of catch 22 for local school districts to be in violation of either state or federal law or one or the other without a way out.

*led Bill sponsored
to go low*

My amendments, as given to you, have been verified by both Dr. Gilbert Roman from the Office for Civil Rights and by Becky Smith, attorney for Chief State School Officers Sex Equity Resource Center. We are also submitting other amendments to clarify and strengthen the commitment.

I have also attached a letter from the Office for Civil Rights concerning these amendments which will get HB 879 into compliance.

Again, we support the concept of Title IX, sex equity and equal opportunity not only because it required constitutionality, but because it is a fair and right educational practice.

Thank you.

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To assist
school districts
in achieving
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Title IX and Sex Equity

No person in the United States shall, on the basis of sex, be excluded from participation, be denied the benefits of, or be subjected to discrimination, under any education program or activity receiving federal financial assistance.

Title IX of the Education Amendments of 1972

Who We Are

The Institute is funded under the United States Department of Education from fiscal year 1964 until fiscal year 1972. We provide assistance to public schools in implementing sex equity in their classroom activities. We also provide assistance to the parents of students in public schools. We also provide assistance to the parents of students in public schools. We also provide assistance to the parents of students in public schools.

Who We Serve

- Elementary schools
- Junior high schools
- High schools
- Community colleges
- Universities
- State colleges
- Private colleges
- Public colleges
- Private universities
- Public universities
- State universities
- Private universities
- Public universities
- State universities
- Private universities

Assistance We Provide

Our staff stands ready to provide consultation, materials and other development in such areas as:

- Understanding and utilizing math/science areas
- Promoting access to math and science related careers
- Increasing participation of girls in math, science and computer courses
- Using career education materials in the classroom
- Promoting career goals
- Promoting career awareness through role models
- Hands-on experiences in teaching, training and program development
- Identifying and developing potential for mathematics, science and technology
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Resource Library

Our Resource Library contains materials for teachers, parents, and students. It includes books, pamphlets, and other materials. It also includes materials for teachers, parents, and students. It also includes materials for teachers, parents, and students.



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 449-3095

Ed Argenbright
Superintendent

A List of Major Activities Conducted by the Office of Public Instruction, Vocational Education Department, 1978 to 1983

1. All program evaluation instruments used by Vocational Education were reviewed and revised to insure equal access, reduce sex bias and stereotyping in all vocational education programs.
2. On-site evaluations were conducted to review state-funded vo-ed programs for sex equity requirements and Title IX compliance.
3. Inservice and preservice workshops were conducted for secondary and postsecondary programs to address bias and stereotyping in curriculum, instructional materials, counseling procedures, behaviors and attitudes of staff and students.
4. Ten mini-grants of \$1,000 each were awarded to ten local educational agencies who would produce model programs, inservice training, curriculum review, public information materials to reduce sex bias and stereotyping.
5. A public information campaign which included three television spots and six radio announcements. Also, a poster depicting men and women in nontraditional vo-ed programs was developed.
6. OPI, SACVE and MVA jointly cooperated in a publicity effort to inform the public about the equal education opportunities in Montana.
7. Articles were written and published in Montana Schools regarding the sex equity requirements in the 1976 Vocational Education Amendments.
8. An ad hoc advisory committee was convened for input into the annual vo-ed state plan.
9. Filmstrips, films and other resource materials were purchased and gathered to develop a resource library from which resource materials could be loaned to schools and other groups.

10. Filmstrips, film and other resource materials were loaned to schools upon request.
11. Each program consultant in Vocational Education developed and wrote a sex equity section for their specific vocational area to be included in the 1980 state plan.
12. Enrollment and employment information has been collected and disseminated annually. The 1982 and 1983 data is being readied for print now.
13. Enrollment information on project applications, year-end reports and evaluation forms were updated to include male/female categories.
14. Sex equity criteria was developed for each vocational area evaluation form.
15. During school evaluation visitations, a conference was held with the school Title IX coordinator to review institutional self-evaluation and grievance procedures.
16. Vo-ed grant application forms were reviewed and revised to assure equal access, reduce sex bias and stereotyping.
17. A sex equity section was developed and included in the Vocational Education Secondary Guidelines.
18. An annual self-evaluation instrument for vocational education was developed which included sex equity requirements.
19. In 1979 sex equity inservices were conducted for the following: 15 OPI staff, 50 teacher trainees at MSU, 200 secondary teachers. All sections of the 1979 MVA conference were provided a presentation on sex equity which was also given to 100 counselors at the spring guidance and counseling workshop tour.
20. Technical assistance was provided upon request to local secondary and primary schools, to vocational-technical schools, to colleges, to junior colleges, universities and to other state agencies and the general public.
21. In 1979 a three-day summer sex equity workshop was conducted at Northern Montana College. Forty-five persons participated for three graduate credits.
22. In 1978, the five vocational-technical centers, three community colleges and the National Center for Career Education were visited and provided technical assistance regarding sex bias and stereotyping.

23. Each year the Sex Equity Coordinator publicizes the public hearings for the annual and five-year vo-ed plan.
24. Reviewed the Title IX self-evaluations at the five vocational-technical centers.
25. Review the five-year state vo-ed plan.
26. Review each annual plan from 1978 to 1983.
27. In 1980, four three-day workshops entitled Expanding Adolescent Role Expectations were provided to 100 secondary vocational educators in Havre, Billings, Missoula and at Fairmont Hot Springs.
28. Four inservice workshops on improving sex equity at the postsecondary level were conducted at Butte, Great Falls, Billings and Missoula. These were conducted for about 300 persons.
29. In 1980 approximately 300 persons attended seminars conducted at various times during the year.
30. In 1980 a nontraditional slide presentation was developed for use with student groups and the general public.
31. Developed sex equity requirements for all secondary and post-secondary project applications. Projects that did not address these requirements were placed on probation.
32. Publicized 25 secondary vocational education programs each year from 1979 through 1983 which are effective examples of co-educational sex fair learning experiences.
33. Published a resource guide entitled "Montana's Men and Women in Nontraditional Jobs."
34. Assisted the postsecondary curriculum specialist for vocational education to review the state's LPN curriculum to assure a sex-fair curricular approach is utilized.
35. Provided technical assistance to the Montana VIEW to develop bias-free occupational information; special apprenticeship decks; a card on women, work and postsecondary vocational opportunities and advantages of nontraditional employment.
36. Review student handbooks, teacher handbooks and board policies during on-site evaluations for Title IX, Section 504 and Titles VI and VII compliance as well as sex bias languages.
37. During on-site evaluations provide technical assistance regarding classroom environment, testing and placement.
38. Published "Sex Fairness in Vocational Education Strategies for Advisory Committees."

39. Trained selected persons to conduct local inservice workshops on strategies to effectively reduce the effects of sex bias and stereotyping in vocational education and correct enrollment imbalance in sex dominated courses.
40. Developed materials designed to assist postsecondary vocational center personnel for recruiting and retaining students in courses nontraditional to their sex.
41. Contracted with the Montana State University to produce a slide tape presentation on sex equity in vocational education.
42. Distributed over 2,000 copies of "Montana Women and Men in Non-traditional Jobs: A Resource Directory" to teachers, counselors and administrators.
43. Co-sponsored a two-day workshop along with the Department of Labor and Industry on women in apprenticeships.
44. A special card for Project VIEW designed to provide needed statistical data to female students was developed in 1982.
45. Compiled information for the 1982 OCR audit of the Office of Public Instruction Vocational Education Services.
46. Disseminated "Guidelines for Creative Use of Biased Materials on a Non-Biased Way", a publication designed to reduce the effects of sex biased instructional materials.
47. Conducted workshops at the state Vocational Leadership Conference designed to train vocational educators and counselors.
48. Conducted training designed for recruiting nontraditional students.
49. Participated as a team member reviewing sex equity during all the Northwest evaluations conducted since 1978.
50. Participated as a team member in the OCR audits conducted by the regional Office of Civil Rights from Denver.
51. Redeveloped a plan to conduct state OCR reviews of Montana schools with vocational education programs.
52. Over 100 high schools from all over the state have been reviewed for Title IX and Title II compliance since 1978.
53. Equity in education booths have been used to disseminate technical assistance materials to teachers in 1982 and 1983. Over 500 teachers have attended.

Jim Whealon
Specialist
Human Potential Development
March 14, 1983



DEPARTMENT OF EDUCATION
REGION VIII
FEDERAL OFFICE BUILDING
1961 STOUT STREET
DENVER, COLORADO 80294

March 9, 1983

RECEIVED
MAR 11 1983
OFFICE OF THE REGIONAL DIRECTOR
OFFICE FOR CIVIL RIGHTS

The Honorable Ed Argenbright
Superintendent of Public Instruction
Office of the State Superintendent
State Capitol
Helena, Montana 59601

ATTENTION: Ms. Judith Johnson
Assistant Superintendent

Dear Dr. Argenbright:

In our conversation of March 9, 1983, you raised several questions regarding the interrelationship between Montana House Bill 879 and Title IX of the Education Amendments of 1972. While I cannot speak to the provisions of the proposed legislation, I can advise you of what is required by Title IX.

To the extent there might be any conflict with OCR's obligations under Title IX and House Bill 879, under the supremacy clause of the United States Constitution, Federal law would prevail. OCR will continue to investigate Title IX complaints within Montana.

With regard to your question on the scheduling of games and practice times, equality of opportunity in the allocation of games and practice times is one factor which we would consider in determining whether an educational institution is providing equal athletic opportunity to its students, consistent with the requirements of Title IX. Although I cannot speculate on all fact situations which might arise, public or student interest in a particular athletic activity would not be an appropriate measure by which to allocate game and practice times if the result of such a policy would be to interfere with the provision of equal athletic opportunity for all students.

Finally, regarding your question on sex-segregated gym classes, physical education classes cannot be provided on a sex-segregated basis. Students can be grouped within physical education classes by ability and may be separated by sex within classes during participation in contact sports.

Thank you for your inquiry. If I can be of further assistance to you, please do not hesitate to contact me.

Sincerely,


Gilbert D. Román, Ed.D.
Regional Director



OFFICE OF PUBLIC INSTRUCTION

STATE CAPITOL
HELENA, MONTANA 59620
(406) 449-3095

Ed Argenbright
Superintendent

AMENDMENTS TO HB 879

Statement of Intent

Page 1, Line 7 - strike "guidelines" insert "rules"

Page 1, Line 7 - strike "eliminate" insert "prohibit"

Page 1, Line 10 - strike "eliminate" insert "prohibit"

Page 1, Line 10-11 - Strike "public school employment"

Page 1, Line 16 - strike "guidelines" insert "rules"

Page 1, Line 16-17 - strike "but would not be required to state such guidelines as administrative rules"

House Bill 879

Page 1, Line 13 - strike "and guidelines"

Page 1, Line 14 - strike "eliminate" insert "prohibit"

Page 1, Line 14 - strike "in public school employment"

Page 2, Line 7,8,9 - strike "Violations of rights have had a deleterious effect on the individuals involved and on society."

Page 2, Line 14 - strike "eliminate" insert "prohibit"

Page 2, Line 15 - strike "and guidelines"

Page 2, Line 15 - strike "eliminate" insert "prohibit"

Page 2, Line 20 - strike "and guidelines"

Page 4, Line 12,13,14,15 - strike "except that school districts may consider the public and student interest in attending and participating in various recreational and athletic activities in scheduling games and practice times."

Page 5, Line 3 - strike "or during gym classes."

Amendments to HB 879
Page Two

Page 5, Line 7 - strike "guidelines" insert "rules".

Page 5, Line 21 - strike "guidelines" insert "rules".

Page 6, Line 5 - strike "and guidelines"

Page 7, Line 9 - strike "or guidelines".

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PMS HONORABLE PECK

HOUSE OF REPRESENTATIVES

HELENA MT 59604

PASSAGE OF HOUSE BILL 413 BY THE WASHINGTON STATE LEGISLATURE ON JUN
E

9 1975 ENHANCED AUTHORITY OF SPI AND SYSTEMATIC REDUCTION/EVENTUAL
ELIMINATION OF SEX DISCRIMINATION AND BIAS IN PUBLIC SCHOOLS. WILL
CAUSE NO FISCAL IMPACT ON SPI BECAUSE NOT FUNDED UNTIL 1979 WITH
APPROVAL OF HOUSE BILL 516 PROVIDING ADMINISTRATIVE
FUNDS-APPROXIMATELY \$72,000 FOR BIENNIUM FOR ONE STEP PLUS SUPPORT.
NO INFORMATION AVAILABLE ON SCHOOL DISTRICT IMPLEMENTATION COST
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